Mr. CUMMINS. I must object to that.

Mr. PENROSE. I object to the latter part of that proposed agreement.

The VICE PRESIDENT. Objection is made.

Mr. PENROSE. I withdraw my objection. I misunderstood the request.

The VICE PRESIDENT. The Senator from Iowa objected.

Mr. CUMMINS. I desire to be understood in the matter. The Senator from Maine withdrew his motion to adjourn so that a motion could be made to proceed to the consideration of any other business that it may be thought wise to take up and have that matter determined now. I will not object to confining the session this evening to addresses made by Senators who desire to address the Senate.

Mr. HALE. I am willing to leave that entirely to the Senate. For the present I withdraw my motion for a recess this evening.

Mr. STONE. The motion that when we adjourn to-day it be to meet at 11 o'clock to-morrow was agreed to.

The VICE PRESIDENT. Is there objection to the request as stated by the Chair, or does the Senator from Iowa request some modification of it?

Mr. CUMMINS. Mr. President——

Mr. HALE. The Senator, as I understood it, asked me to withdraw my request.

The VICE PRESIDENT. The Chair thinks he can state it as he understands the Senator from Iowa to request it—that at 1.30 to-morrow, without further debate, a vote be taken upon Senate resolution 315; that after the taking of a recess this afternoon no business be transacted prior to adjournment on this legislative day other than addresses.

Mr. KEAN. Except a motion to——

Mr. CUMMINS. I do object to the combined request. I state again my position.

The VICE PRESIDENT. The Chair was trying to state what the Senator requested.

Mr. CUMMINS. If the request made by the Senator from Michigan can be put without any accompaniment I shall not object to it, and if then a motion can be entertained to proceed to the consideration of some other matter which the Senate may desire to take up——

Mr. HALE. What other matter?

Mr. CUMMINS. And that motion is disposed of, I will not then object to the request made by the Senator from Missouri that the evening session be devoted to addresses.

The VICE PRESIDENT. Exclusively to addresses.

Mr. LODGE. If the request of the Senator from Michigan had been agreed to as he made it, without additions, it was my intention to move to proceed to the consideration of the tariff-commission bill. If that motion should be adopted, I should then make no objection, and I do not think anyone else would, to confining the rest of the day to speeches and addresses.

Mr. CUMMINS. The Senator from Massachusetts has stated in terms the matter I had in mind.

The VICE PRESIDENT. The Chair will again put the request.

Mr. HALE. Let me suggest that both Senators can not make that motion.

Mr. CUMMINS. I have not attempted to make any motion. I simply made an objection to the request.

The VICE PRESIDENT. Is there objection to the original request of the Senator from Michigan that at 1.30 to-morrow, without further debate, the Senate take a vote upon Senate resolution 315?

Mr. STONE. I prefer a request of this kind: That the vote be taken at the time indicated, at 1.30 to-morrow, and that as soon as that consent of the Senate is obtained the motion which the Senator proposes to offer may be made to-night, and then the Senate adjourn until 11 o'clock to-morrow.

The VICE PRESIDENT. The Chair will put it that way. The Senator from Missouri asks unanimous consent to modify the request of the Senator from Michigan——

Mr. CUMMINS. Will the Senator from Missouri state the request?

Mr. LODGE. The Chair was about to state it. It is that at 1.30 to-morrow, without further debate, the Senate take a vote on Senate resolution 315; that following the entering into of this agreement the Chair recognize some person to move to consider some other bill; and that when that motion is carried the Senate take a recess until 8 o'clock—did the Senator say?

Mr. STONE. Eleven o'clock.

Mr. BAILEY. We have already agreed that when we adjourn it be until 11 o'clock to-morrow.

The VICE PRESIDENT. It has been agreed that when the Senate adjourns it be until 11 o'clock to-morrow morning. Is there objection? The Chair hears none, and that order is entered.

TARIFF BOARD.

Mr. BEVERIDGE. I move that the Senate proceed to the sideration of the bill (H. R. 32010) to create a tariff board.

Mr. BAILEY. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I notice that the senior Senator from South Carolina [Mr. TILLMAN] is absent. So I withhold my vote, having a general pair with him. Were he present, I would vote "yea."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. He being absent, I will withhold my vote. If he were present, I would vote "yea."

Mr. OVERMAN (when Mr. TALIAFERRO's name was called). I have been requested to announce that the Senator from Florida [Mr. TALIAFERRO] is unavoidably absent and that he is paired with the senior Senator from West Virginia [Mr. SCOTT]. If the Senator from Florida were present, he would vote "nay."

Mr. BACON (when Mr. TERRELL's name was called). I again announce the unavoidable absence of my colleague [Mr. TERRELL] on account of personal illness. I understand that he is paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If my colleague were present, he would vote "nay."

Mr. WARREN (when his name was called). I have a standing pair with the senior Senator from Mississippi [Mr. MONEY], and I therefore withhold my vote.

The roll call was concluded.

Mr. BACON (after having voted in the negative). I inquire whether the junior Senator from Maine [Mr. FRYE] has voted?

The VICE PRESIDENT. He has not.

Mr. BACON. I have a pair with that Senator. In his absence I withdraw my vote.

Mr. BAILEY. Perhaps it is shown by the announcement of the Senator from Vermont [Mr. DILLINGHAM]; but in case it is not, I desire the RECORD to show that if the senior Senator from South Carolina [Mr. TILLMAN] were present he would vote "nay."

The result was announced—yeas 54, nays 21, as follows:

YEAS—54.

Beveridge	Clapp	Guggenheim	Penrose
Bourne	Clark, Wyo.	Hale	Perkins
Bradley	Crane	Jones	Piles
Brandegee	Crawford	Kean	Richardson
Briggs	Cullom	La Follette	Root
Bristow	Cummins	Lodge	Smith, Mich.
Brown	Curtis	Lorimer	Smoot
Bulkeley	Depew	McCumber	Stephenson
Burkett	Dick	Nelson	Sutherland
Burnham	Dixon	Newlands	Warner
Burrows	du Pont	Nixon	Wetmore
Burton	Gallinger	Oliver	Young
Carter	Gamble	Owen	
Chamberlain	Gronna	Page	

NAYS—21.

Bailey	Gore	Rayner	Taylor
Bankhead	Johnston	Shively	Thornton
Clarke, Ark.	Martin	Simmons	Watson
Davis	Overman	Smith, Md.	
Fletcher	Paynter	Smith, S. C.	
Foster	Percy	Swanson	

NOT VOTING—16.

Aldrich	Dillingham	Heyburn	Taliaferro
Bacon	Flint	Money	Terrell
Bradley	Frazier	Scott	Tillman
Culberson	Frye	Stone	Warren

So the motion was agreed to.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 26 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 1, 1911, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 28, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was approved.

CANCELLATION OF SIGNATURE TO JOINT RESOLUTION.

The SPEAKER. The Chair announces the cancellation of his signature to Senate joint resolution 145, providing for the filling of the vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, in accordance with the order of the House.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10883. An act authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I call up the conference report on the bill H. R. 31856, making appropriations for the government of the District of Columbia for the fiscal year 1912, and I ask unanimous consent that the statement by the managers on the part of the House may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 11, 20, 30, 31, 37, 38, 39, 46, 50, 59, 65, 69, 75, 78, 79, 80, 83, 84, 85, 86, 101, 104, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 123, 129, 134, 137, 140, 142, 143, 147, 150, 152, 159, 164, 165, 171, 172, 175, 176, 181, 187, 188, 190, 191, 196, 199, 200, 202, 203, 204, 205, 209, 213, 220, 222, 230, 231, 232, 235, 238, 239, and 240.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 9, 10, 12, 13, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35, 36, 40, 41, 42, 43, 44, 45, 47, 51, 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 72, 73, 74, 76, 77, 82, 87, 88, 91, 92, 96, 97, 98, 99, 100, 103, 108, 119, 120, 122, 124, 125, 126, 127, 128, 130, 131, 135, 138, 139, 141, 144, 146, 153, 154, 158, 162, 166, 167, 168, 169, 170, 173, 174, 177, 180, 182, 183, 184, 189, 193, 194, 197, 206, 210, 212, 214, 215, 216, 217, 221, 223, 224, 225, 226, 227, 228, 229, 233, 234, 241, 242, 243, 244, 245, 247, 248, and 249. and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,600"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$114,086"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The provisions of the act approved March 15, 1898, as amended by the act approved July 7, 1898, regulating leave of absence to employees of the Federal Government, are hereby made applicable to the regular annual employees of the government of the District of Columbia, except the police and fire departments, and public school officers, teachers, and employees"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$179,810"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two cataloguers, at $540 each;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$40,940"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$123,650"; and the Senate agree to the same.

Amendments numbered 89 and 90: That the House recede from its disagreement to the amendments of the Senate numbered 89 and 90, and agree to the same with amendments as follows: Transpose said amendments and insert the same on page 33 of the bill, after line 26, amended as follows: In line 8 of amendment numbered 89 strike out the word "seventy-five" and insert in lieu thereof the words "one hundred"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$260,000," and on page 35 of the bill, in line 24, after the word "specifications," insert the following: "*Provided further*, That whenever it shall appear to said commissioners that the work now performed under contract, namely, street sweeping and cleaning alleys and unimproved streets, can, in their judgment, be performed under their immediate direction more advantageously to the District, then, in that event, said commissioners are hereby authorized to perform any part or all of said work in such manner, and to employ all necessary personal services, and purchase and maintain such street-cleaning apparatus, horses, harness, carts, wagons, tools, and equipment as may be necessary for the purpose; and of this appropriation the sum of $40,000 is hereby made immediately available"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Interior park: For the condemnation of land in the interior of square 534, within the limiting lines shown on approved plans in the office of the engineer commissioner of the District of Columbia, and for the development of the land so acquired as an interior park: *Provided*, That the said land shall be condemned by a proceeding in rem in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia within six months after the date of the passage of this act: *And provided further*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the land to be condemned, plus the cost and expense of said proceeding, not less than one-third thereof shall be assessed by the jury as benefits, $78,000."

And the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$46,495"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$23,500"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "forty-six"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment, as follows: In lieu of the

number proposed insert "sixty"; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$940,009.50"; and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$536,170"; and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,000"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$128,800"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Commissioners of the District of Columbia are hereby directed to make an investigation as to the necessity of installing a high-pressure fire-service system in the business section of the city of Washington, and to report the results of such investigation to Congress at its next regular session"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That hereafter any inspector of dairies and dairy farms may act as inspector of live stock when directed by the health officer"; and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: On page 68 of the bill, in line 6, strike out the word "ten" and insert in lieu thereof the word "fifteen"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the construction of a pound and stable, to be immediately available, $10,000: *Provided*, That the Commissioners of the District of Columbia are authorized to build said pound and stable on public space owned or controlled by said District adjacent to James Creek Canal"; and the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,740"; and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "deputy financial clerk, $1,500"; and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,380"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,600"; and the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$900"; and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840"; and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,015"; and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,000"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: On page 84 of the bill, in line 16, strike out the words "four hundred and eighty" and insert in lieu thereof the words "six hundred"; and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,220"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,220"; and the Senate agree to the same.

Amendment numbered 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "stableman, $300"; and the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,480"; and the Senate agree to the same.

Amendment numbered 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,930"; and the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In line 22 of said amendment, after the word "workhouse," insert the following: "or in the Washington Asylum and Jail"; and the Senate agree to the same.

Amendment numbered 219: That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,000"; and the Senate agree to same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80"; and the Senate agree to the same.

Amendment numbered 237: That the House recede from its disagreement to the amendment of the Senate numbered 237, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80"; and the Senate agree to the same.

WASHINGTON GARDNER,
E. L. TAYLOR, Jr.,
A. S. BURLESON,
Managers on the part of the House.

J. H. GALLINGER,
CHARLES CURTIS,
B. R. TILLMAN,
Managers on the part of the Senate.

Mr. GARDNER of Michigan. Mr. Speaker, I have just been informed that the papers have not yet come from the Senate.

The SPEAKER. Then, without objection, the matter will be postponed temporarily.

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I submit the following conference report on the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

The Clerk read the conference report, as follows:

SECOND CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 28406, an act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

On amendments numbered 48, 76, and 82 the committee of conference have been unable to agree.

CHAS. H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,
Managers on the part of the House.

MOSES E. CLAPP,
P. J. MCCUMBER,
WM. J. STONE,
Managers on the part of the Senate.

Mr. MANN. What is the effect of the report?

The SPEAKER. These are the only matters in difference between the House and the Senate.

Mr. BURKE of South Dakota. There are three disagreements.

The SPEAKER. Otherwise the whole matter is closed up?

Mr. BURKE of South Dakota. Yes.

The SPEAKER. Then the only matter in difference, as the Chair gathers, between the House and the Senate are the three amendments referred to?

Mr. BURKE of South Dakota. Mr. Speaker, I move to further insist on the disagreement of the House to the Senate amendment. I desire to yield to the gentleman from Minnesota [Mr. MILLER] for five minutes.

Mr. MANN. Before the gentleman yields will he state the points in disagreement and what they are?

Mr BURKE of South Dakota. Mr. Speaker, I will state that amendment No. 46 is an amendment which provides legislation in favor of certain traders upon the Standing Rock Indian Reservation, in North Dakota. When the report of the conferees was before the House on the 17th instant I discussed quite fully that amendment, and I understand that the gentleman from Minnesota [Mr. MILLER] desires to make some remarks directed to it.

The second amendment in disagreement has reference to making it possible for certain settlers in Uinta Indian Reservation, in Utah, to acquire patents to their lands without regard to compliance with the homestead laws as to residence.

The third refers to the withholding of $100,000 to the Colville Indians in Washington for the purpose of recognizing a claim that some parties have against these Indians that we think is without merit and which I will discuss before a vote is had upon this motion.

I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Speaker, each of the three items involved in this report was before this House on the 17th of February, when a similar report was presented for the consideration of the House. The item referring to the $100,000 belonging to the Colville Indians received a rather full consideration and debate. Amendment No. 48, which is the one upon which I wish to say a few words, was briefly touched upon and dismissed. In view of the fact that the other branch of this legislative body seems inclined to insist upon each of these three amendments, perhaps it is well that the House be fully advised as to their character and importance. That amendment which relates to the Standing Rock Indian traders, if enacted into law, would cause this Congress to depart upon an entirely new theory and new practice in reference to adjusting the affairs of Indians with Indian traders. The purpose of this is plain upon its face. It provides that the Interior Department shall constitute its Indian agent at Standing Rock Agency a collection agent for the benefit of these traders. It would enforce the payment by the Indians of such sums as may be found due by the agent, and from this decree the Indian has no appeal. Before we embark upon such a method of handling Indian affairs I think we should be fully advised as to whither it will lead us. Questions in controversy between Indian traders and the Indians have existed almost from the earliest history of our Indian affairs. We have tried various expedients to have justice done to the traders and to see that injustice was not done to the Indians. We have met with but indifferent success. Payment of debts and alleged debts have nearly always been enforced, and the Indian has been left to vent his feelings in impotent rage. Human ingenuity has gone far in the effort to secure ample protection to the trader, but for the first time we are asked to create in the Interior Department a judicial tribunal for the purpose of determining the amounts alleged to be due and then enforcing their payment. Beyond doubt, the purpose of this amendment is to empower the agent to ascertain any sums alleged to be due for supplies to these traders, and also to empower him to enforce their collection. A remarkable power to give an Indian agent! He would become the court and the sheriff, and from his decree there would be no appeal. The item also provides that the office of collector, on the part of the agent, shall be a continuing one. Not only is he to pay such Indian funds as are in his possession at the time he finds the debt due, but he is to apply future sums as they come into his possession.

As property in the hands of the Government belonging to the debtor Indians is converted into cash and in the process of being turned over to them, then the agent is to deduct 25 or more per cent upon each contemplated payment and place it in the hands of these traders, until the full amount of the debt is discharged. It seems to me this is all radically and fundamentally wrong. When before did we ever think—what right have we now to think—of conferring upon an Indian agent all the powers of a petty court and an executing officer of the law? What right have we to confer upon such a person the power to take testimony, determine what the evidence is, and then execute his decree? We will make of each of these Indian agents a despot who will have a court of his own and a capacity for evil, as well as good, that is repugnant to every sense of justice.

Mr. BUTLER. Any appeal?

Mr. MILLER of Minnesota. There is no appeal, absolutely. We place in the hands of these Indian agents the power which, if it should go into unworthy hands, would be most disastrous to the welfare of the Indians and most disreputable to the Government. I for one do not think we ought to take such a step. It seems to me we have forgotten a little bit of our history. These Indians that are to be treated in this way are descendants or relatives of those Sioux who went upon the warpath about a half century ago, men who suffered from the insatiate greed of Indian traders till their savage natures were whipped into a fury that only blood could satisfy. That old-time difficulty we are now asked to reinstate and give to it an added sting. Then we gave the traders extraordinary opportunities to collect their accounts; now we are gratuitously to collect the debts and turn the amount over to the traders. What a favored class these creditors would become! How popular would become their trade! Payment being thus assured, traders would sell these Indians every conceivable article, useless and worthless. Under the old-time conditions traders sold these very Indians, for large sums, articles that were ridiculous in nature and practically without value. All the old, broken-down buggies, wagons, and carts in St. Paul were once collected and sold to these very Indians. The supply running short, a worn-out hearse was brought forth and sold at a great price. This hearse was black. Some other Indian bought a white one, and all duly celebrated with the white man's fire water, piled their wives and children into the hearses, and dragged them in joyful glee across the prairie.

Mr. BURKE of South Dakota. Mr. Speaker, I yield five minutes more to the gentleman from Minnesota [Mr. MILLER].

Mr. FERRIS. Will the gentleman yield for a question?

Mr. MILLER of Minnesota. Yes.

Mr. FERRIS. What is the status of these Indians with reference to intelligence?

Mr. MILLER of Minnesota. These Indians, I presume, are nearly all full bloods, and they have a fair degree of intelligence for that class of Indians. It is pretty hard to say. As Indians go, the country over, I think they are a little above the average intelligence for full bloods, but they are what we call blanket Indians.

Mr. FERRIS. How much of the land is settled up in that reservation?

Mr. MILLER of Minnesota. As to that I am not able to speak. The chairman of the committee might say.

Mr. FERRIS. I know a good deal of the workings of traders, and the suggestion I wanted to make was, if this land is practically all settled up, I think we ought to do away with the traders altogether rather than to retain them for any purpose.

Mr. BURKE of South Dakota. I desire to say to the gentleman that no part of this reservation, except a very small portion on the south side, has been open to settlement.

Mr. BURKE of Pennsylvania. What is the method by which these claims are prosecuted and collected now?

Mr. MILLER of Minnesota. At the present time?

Mr. BURKE of Pennsylvania. Yes.

Mr. MILLER of Minnesota. The system has been that the Indian and the trader get at some sort of an understanding, and when pay day comes the trader is there and the Indian pays him. I want to say that the Indian generally pays his debts.

Mr. BURKE of Pennsylvania. Has there been any particular abuse arising out of the present practice?

Mr. MILLER of Minnesota. No; not of late years.

Mr. MANN. Will the gentleman yield to a question?

Mr. MILLER of Minnesota. Certainly.

Mr. MANN. I notice the gentleman's committee reported in a bill the other day to pay to an old Indian trader, who has been out of business 20 years or so, the amounts that were due him from the time he went out of business. What is the difference between that proposition and this proposition?

Mr. MILLER of Minnesota. The gentleman has not manifested in this instance his usual clearness and penetration of vision. If he will read the report he will find that under the substitute bill reported by the committee neither the trader nor his heirs can collect a farthing.

Mr. MANN. I have read it.

Mr. MILLER of Minnesota. I am going to call his attention to a feature of the report. If he will read it he will find that if any sums are found due the Secretary may pay them out of any funds now in the Government's hands belonging to the individual debtor Indians. There are no such funds, so nothing can be collected. It was a left-handed way of killing the bill. I wish also to say that there is an adverse report on that bill, flatly and squarely opposing any apparent intent to pay such claims under any conditions. So that substitute bill contemplates only this, that there shall be an investigation made, and in case there is found due from Indians now living any sums to that trader, that those sums, if they are in the hands of the Government, may be paid over; but I will say to the gentleman, and we can both smile——

Mr. MANN. On all fours with this proposition?

Mr. MILLER of Minnesota. I will say to the gentleman that we all know that not one farthing can be collected under that bill.

Mr. MANN. Then why did the gentleman's committee report it? I am glad the gentleman and I agree on this bill.

Mr. MILLER of Minnesota. I wish to speak a little further in respect to one point not yet mentioned, Mr. Speaker, I think, in the debate on this question. If we confer this authority on the Government in respect to this Standing Rock Agency, we are giving these traders a right not enjoyed at any time past and not now, and will not be by any other traders elsewhere in the United States. We can not possibly enact legislation of this character, which will be class legislation of the strongest kind in behalf of these few traders at this agency, and ignore the situation elsewhere throughout the United States. But if we do, Mr. Speaker, establish a precedent at this time, at the next and succeeding sessions of this House I can see that we will have a flood of traders thronging the corridors asking for similar legislation to be effective throughout the United States, and I am quite sure the membership of this House does not want to embark upon any such program as that. And one thing more, Mr. Speaker. By a general law which is now upon the statute books, there is a full, ample measure of relief accorded in circumstances of this kind; and I will say further that although it was after the incurring of most of this indebtedness, there has been in existence a rule of the department that any trader trading with the Indians must do so at his own peril.

He extends credit to the Indians themselves, and does not do so on the faith of the Government of the United States or its guaranty that it will secure the payment of the debt. Notices of this kind were sent throughout the country and were posted up at the different agencies in order that they could be looked at, so that the traders must know there, as elsewhere, that when they are dealing with Indians they are dealing with the Indians as individuals and must not expect to collect the indebtedness through the Government.

Now, it is only fair to say—and I am sorry that the gentleman from North Dakota is not here at this hour; perhaps he will be here before we are through—that these Indians are well off. Many families are worth all the way from $10,000 to $75,000, and they ought to pay their debts. But they will pay their debts, and if they do not, those debts can be collected in the usual way. We have no disposition to encourage dishonesty among the Indians or looseness in their business affairs.

But, if you are going to civilize the Indians—and that it seems to me should be the object of legislation here—we should put them upon the same footing as other citizens of the country, financially as well as otherwise. You can never do that by paying their debts for them and thereby failing to inculcate habits of industry and thrift on their part.

Mr. BURKE of Pennsylvania. Will the gentleman be good enough to answer another question?

Mr. MILLER of Minnesota. Yes.

Mr. BURKE of Pennsylvania. What meaning does the gentleman attach to this language, That in the event the first 25 per cent shall not be sufficient and the "amount due the Indian shall be sufficient, in the judgment of the superintendent, to pay a greater amount of said indebtedness," and so forth, the "superintendent shall use his influence to secure the payment of the whole?" To what extent does that confer authority upon the superintendent? And to what extent does he exercise it?

Mr. MILLER of Minnesota. I think that should properly be pronounced "influoence." [Laughter.] The gentleman has called attention to a very dangerous situation, right there, which this law would create. The influence of the trader with the Indians may be exerted in a thousand ways, perhaps in nine hundred and ninety-nine of them not proper ways.

Mr. BURKE of South Dakota. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, there are three Senate amendments to this bill which the conferees have refused to accede to. Amendment No. 48 has just been referred to by the gentleman from Minnesota [Mr. MILLER]. I do not believe that we should now enter upon the policy of making the United States a collecting agency for the benefit of Indian traders, who have claims against Indians. Would any Member of this House vote for a bill making the United States Government a collection agency for the collection of debts in this city—by garnishment or otherwise—from clerks or other employees of the Government by withholding their monthly salaries? In the State of Texas, as well as in other States of the Union, the State governments do not guarantee the debts of employees. We should remember that the amount of money coming to these Indians is in most cases annuities, and it is all that they have to live upon from day to day. The same is true of the wage-earning clerks and employees all over the country, and no Government has ever dared to deprive them of the scanty income due them as wages. In the case of these Indian reservations the traders have a monopoly of the mercantile trade with the Indians, and it is well known they frequently charge two or three times as much for the goods they sell to the Indians as they are worth. There is some reason for these high prices, when we consider that they run the risk of not getting their money from the Indians. They are trading with children, as it were, because Indians are the wards of the Government. We can not afford to take the money that is coming to them, and upon which they live, to pay on old questioned debts, and leave them nothing with which to buy clothing or food or whatever else they must buy.

The next item of disagreement with the Senate is No. 82, in reference to the Colville Indian Reservation, one-half of which was sold several years ago. The last payment is now due and amounts to $300,000. The House passed a bill several years ago to pay these Indians for the north half of the Colville Reservation the sum of $1,500,000.

Mr. TILSON. Mr. Speaker, will the gentleman yield for a question?

Mr. STEPHENS of Texas. There was a claim put forward by attorneys for these Indians for $90,000 of these funds.

Mr. TILSON. May I ask the gentleman what amendment is that?

Mr. STEPHENS of Texas. That is amendment No. 82. The gentleman will see that this Senate amendment strikes out "$300,000" and inserts "$200,000." The object of that amendment does not appear on the face of the amendment, but the object of it is simply that this $100,000 shall be withheld from the Indians for the purpose of enabling these attorneys to collect the $90,000 they claim to be due them by the Indians. That fee should not be paid, because the matter is res adjudicata in my judgment. Several years ago Congress submitted this matter of attorneys' fees to the Court of Claims, and the Court of Claims found that there was due to these attorneys only $60,000, instead of $150,000, as claimed by them.

That decision stands to-day. It has never been appealed from, and Congress can not afford to send these Indians to court again and retry this case. The court by its decree found that this $90,000 belongs to the Indians, and we can not go back upon the order of that court and take the $90,000 from the Indians and redistribute it among attorneys.

Then, again, the very act of Congress that submitted these claims for fees to the court states that the amount decreed the attorneys should be received by them in full payment of all demands for those attorneys' fees. Now, after they have received the money and given their receipts in full for all fees due them as named by the decree of the court—which decree names the amount of money that each one was entitled to—they

are estopped by law or in equity from claiming any more money on these fees. The decree of the Court of Claims required each and every one of these lawyers to give a receipt in full of all demands against the Indians. Now we are asked by this amendment to repudiate these receipts and to leave $100,000 out of this bill so that these attorneys may have another chance to redistribute it among themselves. Mr. Speaker, I never can consent to this amendment of the Senate, for the reasons I have stated.

I yield back the remainder of my time.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to say a word with reference to amendment No. 82, to which the gentleman from Texas has just addressed himself, and which was very fully discussed by the gentleman from Virginia [Mr. SAUNDERS] on the 17th of February, when this matter was before the House on a former occasion.

This proposition, as has been stated, is to withhold from payment the sum of $100,000 out of $300,000 that is due the Colville Indians.

The purpose of withholding this money is to lay a foundation for a claim for attorneys' fees in connection with securing the legislation by which a claim of $1,500,000 was appropriated several years ago.

I may say, Mr. Speaker, as has already been stated, that that claim grows out of the matter of the cession of one-half of the Colville Indian Reservation, in Washington, for which the Indians were to receive $1,500,000.

When that treaty was ratified Congress assumed that the Indians had no rights for which the Government ought to compensate them, and, therefore, struck out of that treaty the provision to pay them $1,500,000 that they had been promised. That was in 1892.

A contract was made with a firm of attorneys here in Washington, one Gordon and one Maish, by which they were to have 10 per cent of whatever they might receive as a fee for their services in obtaining from the Government this $1,500,000.

That contract was limited to 10 years. About the time the contract expired, or just before it expired, this firm of Gordon & Maish entered into a contract with the firm of Butler & Vail, of this city. Butler & Vail were to prosecute this case, to represent Gordon & Maish, and were to receive for their services three-fifteenths of whatever Messrs. Gordon & Maish might receive under their contract.

After the expiration of the contract, whatever service was rendered was rendered, as shown by the record, on a basis of quantum meruit. An examination of the record in the Court of Claims discloses that one of these attorneys, when testifying, stated not only once, but repeatedly, that he was not appearing under any contract, but was simply appearing on a basis of quantum meruit.

If I had time, Mr. Speaker, I would quote the evidence to show that there was no doubt, and that there was no uncertainty about how these attorneys were to get their compensation, if they ever got any for their services. Later, in an Indian appropriation bill, the $1,500,000 was set aside in the Treasury to the credit of these Indians in recognition of their claims. These attorneys claimed 10 per cent of that amount, or $150,000. While the Indian appropriation bill was in conference an item was agreed to by which the question of the attorneys' fees was to be submitted to the Court of Claims, to be determined by that court on a quantum meruit basis. All the several attorneys who claimed to have any interest went into the court, the case was fully heard, it was argued at length, and finally the court decided that the attorneys were entitled to $60,000. The jurisdictional act provided that before the amount should be distributed to the attorneys they should file a receipt in full.

Mr. Speaker, the attorneys who are the most active now in trying to revive this claim have filed a receipt in full and have received the amount of the court's award.

Mr. KEIFER. I would like to ask the gentleman a question.

Mr. BURKE of South Dakota. I will yield to the gentleman from Ohio.

Mr. KEIFER. The gentleman has already said that the Court of Claims fixed the compensation at $60,000. Has that been paid?

Mr. BURKE of South Dakota. Yes; with the exception of two or three small amounts that the claimants are wrangling about, and I believe a receiver has been appointed, and the matter is in court to determine how it shall be divided.

Mr. KEIFER. Did the law authorize the payment of the $60,000, or only a part of it?

Mr. BURKE of South Dakota. The whole $60,000, and made an apportionment, dividing the amount among the several attorneys. I may say that the attorneys, Butler & Vail, received according to this award $30,000, which happened to be precisely what their contract provided, to wit, three-tenths of $150,000. Now, under the provision that was offered in another body it was proposed to pay this firm of attorneys $45,000 more.

Mr. KEIFER. Was not there some provision in the findings that this was only a partial finding?

Mr. BURKE of South Dakota. Absolutely nothing of the kind.

Mr. KEIFER. Was not there a reservation of further consideration of the matter?

Mr. BURKE of South Dakota. Absolutely none whatever.

Mr. KEIFER. If the gentleman will allow me, Maj. Gordon, a most estimable gentleman, and son of Senator John B. Gordon, was interested in this. He was one of the original contractors.

Mr. BURKE of South Dakota. Yes.

Mr. KEIFER. And he claims that as far as he was concerned he took this amount because he had to do it, and that there was no final adjudication under his contract or the quantum meruit.

Mr. BURKE of South Dakota. The gentleman from Ohio is in error. Maj. Gordon intervened in the Court of Claims, and his claim was adjudicated, the same as the other claims, and he was awarded the sum of $14,000, which, in my judgment, was ample compensation for the actual services that he may have rendered.

Mr. KEIFER. It was not the equivalent of the contract price that he had.

Mr. BURKE of South Dakota. The contract had long since expired. The contract was made in 1894, and was for a 10-year period.

Mr. KEIFER. Was it not executed?

Mr. BURKE of South Dakota. On whose part?

Mr. KEIFER. On the part of those who agreed to serve the Indians.

Mr. BURKE of South Dakota. Certainly not; a large part of whatever was done was done after the expiration of that contract.

Mr. COOPER of Wisconsin. Mr. Speaker, if the gentleman will allow me, I listened with much surprise to what the gentleman from Texas said. Does the gentleman from South Dakota say that all of the attorneys agreed to prosecute the suit on a quantum meruit?

Mr. BURKE of South Dakota. The firm of Butler & Vail claimed that they had a private agreement by which all the attorneys agreed that they, Butler & Vail, would go into the Court of Claims, and whatever was recovered was to be divided on a quantum meruit.

Mr. COOPER of Wisconsin. And the contract was left out?

Mr. BURKE of South Dakota. The contract was left out, and I may say that some of these claimants apparently lost confidence in Butler & Vail and were afraid that perhaps they would not get their portion, and so they intervened, and among them this Mr. Gordon, to whom the gentleman from Ohio has referred, and the whole matter was discussed and adjudicated.

Mr. COOPER of Wisconsin. One question more. During the progress of the litigation, when it was before the court for hearing and trial, did the various lawyers attend court in person or by their attorneys and present testimony?

Mr. BURKE of South Dakota. Why certainly, they not only testified, but were represented by counsel and arguments were submitted.

Mr. COOPER of Wisconsin. So then it amounts to this: Upon that hearing both sides presented testimony and the court found on the quantum meruit these men were entitled to a certain sum.

Mr. BURKE of South Dakota. Yes.

Mr. COOPER of Wisconsin. And they filed receipts in full for that?

Mr. BURKE of South Dakota. Yes.

Mr. COOPER of Wisconsin. And now they come in and ask for how much more?

Mr. BURKE of South Dakota. Ninety thousand dollars.

Mr. COOPER of Wisconsin. Well I am very glad to know that we have conferees on the part of the House who will stand out against such a thing.

Mr. KEIFER. They are not asking you to fix $90,000.

Mr. BURKE of South Dakota. Then there can be no question whatever about the purpose of this amendment, and any gentleman who is in doubt about the purpose, if he will consult the CONGRESSIONAL RECORD and particularly the proceedings in another body, will find exactly what the purpose of it is. It can have no other purpose. These Indians were kept out of their money for about 14 or 15 years. Now, we are paying them $300,000 a year. The judgment of this court was rendered in May, 1908. We have gone on appropriating $300,000 each

year, the $1,500,000 to be paid in five annual installments, and now when we are about to pay them the last amount, along comes this claim, something that no person had any idea would ever be brought up.

Mr. KEIFER. Another question. I understand that the proposition is to reserve $100,000, not to pay this claim until there is an adjudication of the claim. Is not that true?

Mr. BURKE of South Dakota. Mr. Speaker, that may be the contention, but I maintain that there is no claim.

Mr. KEIFER. I understand the gentleman's contention, but these people claim they have an unadjudicated claim. They do not claim this $100,000 or $90,000, but that they should have the right, before you make the final disposition of it, to further adjudicate their claim.

Mr. BURKE of South Dakota. It has already been finally adjudicated.

Mr. KEIFER. That is disputed.

Mr. BURKE of South Dakota. In 1906, when this matter was sent to the Court of Claims, it was fully discussed, and it was stated that the purpose of sending it to the Court of Claims was to settle it, and they did not make any payment in that year—that is, the first installment was not paid, because it was said by those who were upon the conference that they ought to wait until the question for services was settled and determined.

Mr. Speaker, I want to make just one concluding statement in regard to this matter.

This proposition is indefensible from the point of view of either law or equity. It can be defended—if defense can be justified in any event—only on the theory that this procedure is in the nature of an appeal from a judgment of the Court of Claims. But I apprehend, Mr. Speaker, no reputable lawyer will contend that it can be defended on such theory. The decree of the court was entered nearly three years ago. The attorneys chiefly concerned in the matter promptly applied for and received their share of the award, to wit, one half of $60,000. They gave their receipts in full satisfaction of all claims and demands upon the Indians for their services in this case. Since that time three installments of $300,000 each have been appropriated, and up to the present time it has never been suggested that the claims had not been fully, conclusively, and finally adjusted by that decree of May 25, 1908. The claim has never been presented to the Committee on Indian Affairs or to this House through any other committee. Not until after the last installment due the Indians had been appropriated by this House, and not until the eleventh hour of the consideration of this bill in the Senate, did we have any knowledge or intimation that another claim had been trumped up against these Indians. The proposition now before this House is in violation of every principle of square dealing with both the Indians and the Congress. [Applause.]

Mr. Speaker, I do not propose to leave any opportunity for doubt as to my position on this proposition, nor do I propose, so far as in my power lies, to leave the record of this case in such an uncertain condition as to permit it to be claimed at any future time that by any act of the Committee on Indian Affairs of this House, or of the House conferees on the Indian bill, this House has admitted there is any shadow of equity in this proposition to withhold $100,000, or any other amount from this fifth and last payment due the Indians. To recognize this alleged claim and pay any amount would be to despoil and defraud the Indians and encourage these lobbyists to continue their wrangle over a division of a fund which by courtesy only can be called "fees."

Mr. Speaker, much has been said in deprecation of muckraking and muckrakers, but I want to go on record in this connection as saying that if such an iniquitous proposition as this can be successfully advanced through Congress to plunder the helpless wards of the Nation, then we are deliberately furnishing material that needs the application of the muckrake to keep the atmosphere of the National Capitol in a sanitary condition. [Applause.]

Mr. MONDELL. Mr. Speaker, there are three items in disagreement, two of which have been discussed, and one of which has not been discussed. I do not think it will be proper to have the matter passed upon without a very brief discussion of the item which proposes to authorize the Commissioner of the General Land Office to grant patents to certain homesteaders in the Unitah Indian Reservation.

The amendment in the form in which it appears should not be agreed to. The House conferees are not willing to agree to it as I understand, and they certainly should be upheld in their position. In its present form the amendment is certainly not good legislation.

Mr. BURKE of South Dakota. Mr. Speaker, I call for a vote.

Mr. MANN. Mr. Speaker, what is the question?

The SPEAKER. The motion is to further insist on the disagreement of the House to the amendments of the Senate.

Mr. MANN. Mr. Speaker, I ask for a division of the question, so that we may have a separate vote on amendment No. 82.

The SPEAKER. The gentleman from Illinois asks unanimous consent for a division and a separate vote on amendment No. 82. The question is on the motion to disagree and further insist on its disagreement to Senate amendments Nos. 47 and 76.

The question was taken, and the motion was agreed to.

The SPEAKER. The motion is to further disagree to Senate amendment No. 82.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 210, noes 0. [Applause.]

The SPEAKER. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Amendment No. 82, page 51, line 2, after the word "one" strike out "three" and insert "two," so it will read "$200,000."

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House consent to the request of the Senate for a further conference.

The motion was agreed to; and the Speaker announced the following conferees:

The Clerk read as follows:

Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas.

SHERIDAN RAILWAY & LIGHT CO., ETC.

Mr. HULL of Iowa. Mr. Speaker, I am instructed to submit the following conference report on the bill S. 9903.

The SPEAKER. The gentleman submits a conference report, which the Clerk will report.

The Clerk read as follows:

A bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate a railway, telegraph, telephone, electric power and trolley lines through the Fort Mackenzie Military Reservation.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

F. E. WARREN,
M. G. BULKELEY,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

Mr. HULL of Iowa. The Senate recedes from its amendment. I move the report be adopted.

The question was taken, and the conference report was adopted.

CERTAIN RIGHTS OF WAY, FORT D. A. RUSSELL MILITARY RESERVATION.

Mr. HULL of Iowa. Mr. Speaker, I also offer the following conference report.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 9904) granting certain rights of way on the Fort D. A. Russell Military Reservation, at Cheyenne, Wyo., for railroad and county road purposes.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 9904) granting certain rights of way on the Fort D. A. Russell Military Reservation, at Cheyenne, Wyo., for railroad and county road purposes, having met, after full and free conference

have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

F. E. WARREN,
M. G. BULKELEY,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

Mr. HULL of Iowa. The House recedes from its amendment, and I move that the conference report be adopted.

Mr. COOPER of Wisconsin. Is that the bill in which there was an amendment to amend, alter, and repeal——

Mr. HULL of Iowa. Yes; I will say to the gentleman that the gentleman from Minnesota and other members of the committee have gone over this very carefully. It gives something less than an acre of land across the corner of a large military reservation as a right of way for the road, and if the entire amount was given to the road in fee there would be no damage whatever to the Government. It is a very small matter, and the main right is given the people for a wagon road.

Mr. COOPER of Wisconsin. Mr. Speaker, as I recall it, this is a bill which concluded with a provision reserving to the Secretary of War the right to revoke a license to the railroad company, while, as a matter of fact, the bill itself before the proviso contained a provision which construed the first part of the bill to be a grant to the railroad company and not a license at all. I remember I called attention to the item, and the gentleman from Iowa promptly accepted an amendment by which Congress reserved the right to alter, amend, or repeal the act, the usual reservation in bills of that kind. It is not a license for this railroad company to go upon a military reservation, and that license is to be revokable at the discretion of the Secretary of War, but it was a straight-out grant, and so interpreted by the bill itself. Not only that, but the word "grant" was used so far as the county is concerned, and there was a conflict to that extent, and inasmuch as that amendment was so promptly accepted, and inasmuch as the railroad company and everybody else knows that the Congress will not do any wrong by that reservation to alter, amend, or repeal the right to go into the military reservation, I do not think we ought to recede from that amendment so promptly without an explanation.

Mr. HULL of Iowa. Well, Mr. Speaker, Congress has repeatedly given railroads across reservations the right to construct and establish a right of way. We did it through a reservation in Oklahoma, and we have done it repeatedly for others. This is a very small fraction of land that the War Department itself concedes is of no value to the Government as a part of the reservation, and the gentleman from Minnesota [Mr. STEVENS] has examined the maps and is thoroughly familiar with it. I only want to say in addition, before yielding to him, that this bill, with this amendment eliminated, will meet the approval of the department, do no harm to the country, and will facilitate the construction of a great work of public improvement.

I now yield to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, I thoroughly agree with the gentleman from Wisconsin [Mr. COOPER] in that the rule he lays down should be adopted as a general proposition. And I would not agree to this bill, except that it seems to be such an exceptional case, and I am glad to place the facts concerning it of record in the House, so that it shall not be adopted hereafter as a precedent against the wholesome, general rule advocated by the gentleman from Wisconsin.

The tract of land affected is about a quarter of a mile long, and in width contains a county road and the usual right of way for a railroad, and so is about 150 feet wide. This tract lies in a low swamp in the extreme southwest corner of the military reservation, which is not needed under any circumstances for military purposes, as is evident from the map of the reservation, and is so reported by the War Department. The right of way for the railroad and county road, owing to the swampy condition of the land affected, will be obliged to be constructed upon an embankment about 40 feet high, which will have to be filled across this low swamp. Under these circumstances both the county and the railroad state that they could not well construct such a permanent work upon a mere license. This proposition is not merely a right of way across the reservation.

It is of no value at all, except by the permanent use by filling of a strip about 150 feet wide by about a quarter of a mile long across that swamp which is not needed or will not be needed under any circumstances for military purposes. It is clearly of advantage to the reservation to have the county road and the railroad properly constructed and ready for use, and it is certainly of benefit to the public to have both of these constructed. Under this condition this seems to be such an exception that it is wise in this instance for the House to adopt—to recede from the amendment it made to the Senate bill and grant this portion of land for the highway and right of way as required by the county and the railroad company. For that reason I agreed, as conferee, to recede from the amendment of the House.

Mr. COOPER of Wisconsin. Will not this be cited as a precedent?

Mr. STEVENS of Minnesota. No, Mr. Speaker. That is why I desired to place clearly on record the reason why this is an exception, and such an exception that has never before come under my notice since I have been a member of the Committee on Military Affairs.

Mr. COOPER of Wisconsin. Does not the gentleman think that by the enactment of this into law we will make the whole question hereafter one simply of presenting testimony as to the value of the land to be granted? Every bill of this kind should expressly reserve to Congress the right to alter, amend, or repeal. That is a practice which ought unswervingly to be adhered to. But by this bill in its present form we propose, as I have said, to make the whole question as to whether land shall be given away by Congress turn on testimony as to the value of the land. We will not only forsake a principle and a practice of vast importance to the Government, but we will establish an exceedingly troublesome precedent.

Mr. STEVENS of Minnesota. The War Department reports, and the map shows, that this land is not necessary and never can be used for military purposes, and its best and, indeed, only use is for such as we have granted, for public highways. It is a little triangle in the corner that is not included in the main body of the reservation, and is of such a character and location that it can never be of any use or value. But the highway and railroad over it are very much more valuable.

Mr. COOPER of Wisconsin. Will the gentleman permit me to make another suggestion?

Mr. STEVENS of Minnesota. Certainly.

Mr. COOPER of Wisconsin. Originally the railroad company was willing to accept the bill with the proviso allowing the Secretary of War, in his discretion, to revoke what was called the license. It was called a license in the bill which the railroad company had agreed to accept, and which was presented to the House a few days ago by the gentleman from Iowa.

I then pointed out that it was not a license, but a straight grant to the railroad company and also to the county, and that the proviso contradicted the grant, and I proposed an amendment which was adopted by the House, by which the right to alter, amend, or repeal the act was expressly reserved. The gentleman from Iowa accepted the amendment. But now he opposes the amendment providing that Congress may alter, amend, or repeal, and declares that he is not willing to accept it.

Mr. MANN. Will the gentleman yield for a suggestion? The gentleman from Wisconsin has in mind the other bill where a conference report was agreed to, which includes the right to alter, amend, or repeal. The bill that is now before the House did not include the provision which the gentleman refers to. That was in the other bill.

Mr. COOPER of Wisconsin. Has the gentleman the bill there?

Mr. MANN. I have the bill right here.

Mr. MONDELL. Mr. Chairman, I think the gentleman from Wisconsin, and possibly the House, does not understand just the situation with regard to this grant. There is a sharp triangle running down from Fort D. A. Russell——

Mr. COOPER of Wisconsin. I am right. They have stricken out the proviso.

Mr. MONDELL. I would like to have the gentleman's attention. There is a sharp triangle running down from Fort D. A. Russell, and they seek a right of way for a county road along the side of this triangle. The amount of land which the railroad takes is, as I recollect, but a fraction of an acre. The county road takes a strip about 150 feet wide along the edge of this triangle.

It is on the extreme edge of the reservation where, as I say, this triangle runs down, and it is proposed to take along the edge of that triangle a narrow strip for a county road, with an area of a fraction of an acre which the railroad takes at one point. Now there is no earthly reason why the title should not be a fee. The public is obtaining the land for a county road. It is not needed and can not be used for military pur-

poses. The railroad line does not even run onto the reservation. The very small tract which the railroad receives a grant to, a small fraction of an acre, is simply a place where they have to make a heavy fill on a curve; and inasmuch as this land is being transferred for a public purpose, it seems to me there ought to be no objection to the grant being in fee.

Mr. HULL of Iowa. I think the gentleman is absolutely right.

Mr. COOPER of Wisconsin. Mr. Speaker——

Mr. HULL of Iowa. Mr. Speaker, I yield to the gentleman from Wisconsin, if the gentleman from Wyoming is through.

Mr. MONDELL. Mr. Speaker——

Mr. HULL of Iowa. Mr. Speaker, then I yield to the gentleman from Wyoming.

Mr. MONDELL. This grant, with the exception of a small part, is for a public use, for a county road, a necessary county road, and we certainly ought not to do anything more than make the grant in fee where the grant is to the public for a public use. The very small fraction of an acre, which is made necessary by a heavy embankment, granted to the railroad company is so small an area that it seems to me there ought to be no objection to making that also a grant in fee, in view of the fact that it is so far removed from any buildings on the reservation—on this little sharp point that runs down to the southeast corner.

Mr. MANN. Will the gentleman from Wyoming yield?

Mr. MONDELL. Yes.

Mr. MANN. I understand this land does not run through the reservation at all.

Mr. MONDELL. No; it does not. The gentleman is correct.

Mr. MANN. It runs down to the edge of the triangle and laps over, and it is proposed there to give a little piece for the use of the public road?

Mr. MONDELL. Yes; it is for the use of the reservation as much as for the use of the general public, because that county road will be used by people coming down from the Army post. This is one of the largest posts in the country, a brigade post, and that county road is just as necessary for the maintenance of the post as it is for the convenience of the people of the country generally; so that inasmuch as the transfer is for a public purpose, it seems to me it ought to be a transfer in fee.

Mr. COOPER of Wisconsin. Mr. Speaker——

Mr. HULL of Iowa. Mr. Speaker, I yield a half minute to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Speaker, there has been such a demand for copies of the Indian appropriation bill with the Senate amendments numbered that the supply has been exhausted. There have also been so many inquiries respecting the present status of the bill that I have prepared for the RECORD copies of the bill as passed by the Senate and as agreed to in conference, which I desire to have printed in parallel columns, in order that it may be seen at a glance precisely what has resulted from the several conferences between the managers on the part of the two branches of Congress.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

INDIAN APPROPRIATION BILL (H. R. 28406) FOR THE FISCAL YEAR 1912.

As passed by the Senate with Senate amendments numbered.

[Omit the part inclosed in brackets [] and insert the part printed in italics.]

Be it enacted, etc., That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are provided for herein for the service of the fiscal year ending June 30, 1912, namely:

For the survey, resurvey, and classification of lands to be allotted in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians, including the necessary clerical work incident thereto and to the issuance of all patents in the field and in the office of Indian Affairs, and to the delivery of trust patents for allotments under said act or any such act or acts; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $215,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended.

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, (1)*ditches,* lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, (2)[two hundred and eighty-nine thousand three hundred] *three hundred and thirty-nine thousand three hundred* dollars, to remain available until expended: *Provided,* That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress: *Provided further,* That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, (3)*for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910,* or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, $4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, $2,500; for traveling expenses of two inspectors of irrigation, at $3 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, $4,200; in all, three hundred (4)*and fifty* thousand dollars: *Provided also,* That not to exceed seven superintendents of irrigation, who shall be skilled irrigation engineers, may be employed.

For the suppression of the traffic in intoxicating liquors among Indians, (5) [seventy] *eighty* thousand dollars.

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, $60,000.

For support of Indian day and industrial schools, not otherwise provided for, and for other educational and industrial purposes in connection therewith, $1,420,000.

(6)[For construction, lease, purchase, and repair of school buildings, and for sewerage, water supply, lighting plants, and purchase of school sites and improvements of buildings and grounds, $350,000.]

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, $425,000.

As passed by the House with Senate amendments agreed to in conference.

[Omit the part inclosed in brackets [] and insert the part printed in italics.]

Be it enacted, etc., That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are provided for herein for the service of the fiscal year ending June 30, 1912, namely:

For the survey, resurvey, and classification of lands to be allotted in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians, including the necessary clerical work incident thereto and to the issuance of all patents in the field and in the office of Indian Affairs, and to the delivery of trust patents for allotments under said act or any such act or acts; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $215,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended.

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, *ditches,* lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods [two hundred and eighty-nine thousand three hundred] *three hundred and fourteen thousand three hundred* dollars, to remain available until expended: *Provided,* That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress: *Provided further,* That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, *for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910,* or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, $4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, $2,500; for traveling expenses of two inspectors of irrigation, at $3 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, $4,200; in all, three hundred *and twenty-five* thousand dollars: *Provided also,* That not to exceed seven superintendents of irrigation, who shall be skilled irrigation engineers, may be employed.

For the suppression of the traffic in intoxicating liquors among Indians, [seventy] *seventy-five* thousand dollars.

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, $60,000.

For support of Indian day and industrial schools, not otherwise provided for, and for other educational and industrial purposes in connection therewith, $1,420,000.

[For construction, lease, purchase, and repair of school buildings, and for sewerage, water supply, lighting plants, and purchase of school sites and improvements of buildings and grounds, $350,000.]

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, $425,000: Provided, That the Secretary of the Interior shall report annually to Congress the amount expended at each school and agency for the purposes herein authorized: Provided further, That on the first Monday in December, 1911, the Secretary of the Interior shall transmit to Congress a report in respect to

all school and agency properties entitled to share in appropriations, general or specific, made in this act and such report shall show specifically the cost investment in such properties as of July 1, 1911, including appropriations made available by this act, (1) for the purchase, construction, or lease of buildings, including water supply, sewerage, and heating and lighting plants; the purchase or lease of lands; the purchase or construction of irrigation systems for the irrigation of such school or agency lands, and for the equipment of all such plants for the promotion of industrial education, including agricultural implements, live stock, and the equipment for shops, laundries, and domestic science; (2) the physical condition of such plants and their equipments; (3) an estimate of expenditures necessary for (a) new buildings, (b) improvements, equipment, and repairs necessary for the upkeep of such plants; and (4) a statement of the quantity and market value of the products derived from the operation of such plants for the fiscal year 1911 and the disposition of the same. The Secretary of the Interior shall accompany such report with a recommendation, supported by a statement of his reasons therefor, as to the necessity or advisability of continuing or discontinuing each such school or agency plant.

For collection and transportation of pupils to and from Indian schools, and for the transportation of Indian pupils from any and all Indian schools and placing them, with the consent of their parents, under the care and control of white families qualified to give such pupils moral, industrial, and educational training, (7) [eighty-two] *seventy-two* thousand dollars: *Provided*, That not to exceed $5,000 of this amount may be used in the transportation and placing of Indian pupils in positions where remunerative employment may be found for them in industrial pursuits. The provisions of this section shall also apply to native pupils (8) *of school age under 21 years of age* brought from Alaska.

For collection and transportation of pupils to and from Indian schools, and for the transportation of Indian pupils from any and all Indian schools and placing them, with the consent of their parents, under the care and control of white families qualified to give such pupils moral, industrial, and educational training, eighty-two thousand dollars: *Provided*, That not to exceed $5,000 of this amount may be used in the transportation and placing of Indian pupils in positions where remunerative employment may be found for them in industrial pursuits. The provisions of this section shall also apply to native pupils *of school age under 21 years of age* brought from Alaska.

(9) *All moneys appropriated herein for school purposes among the Indians shall be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.*

All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: *Provided*, That this shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin or the Red Lake Indian Reservation in Minnesota; for the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, and for furnishing necessary equipments and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, $400,000: *Provided further*, That not to exceed $5,000 of the amount herein appropriated shall be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits: *Provided, also*, That the amounts paid to matrons, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of June 7, 1897: *Provided still further*, That hereafter the Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year relating to the use of appropriations made for the purposes herein provided for.

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: *Provided*, That this shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin or the Red Lake Indian Reservation in Minnesota; for the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, and for furnishing necessary equipments and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, $400,000: *Provided further*, That not to exceed $5,000 of the amount herein appropriated shall be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits: *Provided, also*, That the amounts paid to matrons, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of June 7, 1897: *Provided still further*, That hereafter the Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year relating to the use of appropriations made for the purposes herein provided for.

For the purchase of goods and supplies for the Indian service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, (10) [telegraphing, telephoning,] storage, and transportation of Indian goods and supplies, (11) *and for general expenses of telegraphing and telephoning in the Indian service: Provided, That the amount appropriated in the Indian appropriation act approved April 4, 1910, for telegraphing and telephoning in connection with the purchase of goods and supplies for the Indian service, is hereby made available to cover all general expenses for telegraphing and telephoning in the Indian service that have been or may be incurred during the fiscal year 1911*, (12) [two hundred and eighty-five thousand] *three hundred thousand* dollars.

For the purchase of goods and supplies for the Indian service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, [telegraphing, telephoning,] storage, and transportation of Indian goods and supplies, $285,000.

For general expenses for telegraphing and telephoning in the Indian service, $14,000: Provided, That the amount appropriated in the Indian appropriation act approved April 4, 1910, for telegraphing and telephoning in connection with the purchase of goods and supplies for the Indian service, is hereby made available to cover all general expenses for telegraphing and telephoning in the Indian service that have been or may be incurred during the fiscal year 1911.

(13) [For buildings and repairs of buildings at agencies and for rent of buildings for agency purposes and for water supply at agencies, $75,000.]

[For buildings and repairs of buildings at agencies and for rent of buildings for agency purposes and for water supply at agencies, $75,000.]

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, $2,500: *Provided*, That no part of this appropriation shall be used in the payment of attorney fees.

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, $2,500: *Provided*, That no part of this appropriation shall be used in the payment of attorney fees.

For expenses of the Board of Indian Commissioners, $4,000, including not to exceed $300 for office rent.

For expenses of the Board of Indian Commissioners, $4,000, including not to exceed $300 for office rent.

For payment of necessary interpreters, $8,000.

For payment of necessary interpreters, $8,000.

For payment of Indian police, including chiefs of police at not to exceed $50 per month each, and privates at (14) [twenty] *not to exceed thirty* dollars per month each, to be employed in maintaining order, and for the purchase of equipments and rations for policemen at nonration agencies, $200,000.

For payment of Indian police, including chiefs of police at not to exceed $50 per month each, and privates at [twenty] *not to exceed thirty* dollars per month each, to be employed in maintaining order, and for the purchase of equipments and rations for policemen at nonration agencies, $200,000.

For compensation of judges of Indian courts, $12,000.

For compensation of judges of Indian courts, $12,000.

For contingencies of the Indian service; for traveling and incidental expenses of the Commissioner of Indian Affairs and other officers and employees in the Indian service, including clerks detailed from the Bureau of Indian Affairs for special service in the field; for traveling and incidental expenses of special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses, including expenses of going to and from the seat of government and while remaining there under orders; for pay of employees not otherwise provided for; and for pay of special agents, at $2,000 per annum each, $115,000.

For contingencies of the Indian service; for traveling and incidental expenses of the Commissioner of Indian Affairs and other officers and employees in the Indian service, including clerks detailed from the Bureau of Indian Affairs for special service in the field; for traveling and incidental expenses of special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses, including expenses of going to and from the seat of government and while remaining there under orders; for pay of employees not otherwise provided for; and for pay of special agents, at $2,000 per annum each, $115,000.

(15) *For the classification, indexing, and further collection of all records and data pertaining to the American Indian which are necessary to complete the files of the Indian Office, and preparing historical data from all of said records therein; and the sum of $10,000 is hereby appropriated for the purpose of carrying out the above amendment, including the pay of all employees.*

(16) *There is hereby appropriated the sum of $30,000, or so much thereof as may be necessary, to be immediately available, for the purpose of encouraging industry among Indians, and to aid them to engage in the culture of fruits, grains, and other crops. The said sum may be used for the purchase of animals, machinery, tools, implements, and other agricultural equipment: Provided, That the sum hereby appropriated shall be expended subject to the conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, and all repayments to this fund as herein provided are hereby appropriated for the same purpose as the original fund, and the entire fund,*

There is hereby appropriated the sum of $30,000, or so much thereof as may be necessary, to be immediately available, for the purpose of encouraging industry among Indians, and to aid them to engage in the culture of fruits, grains, and other crops. The said sum may be used for the purchase of animals, machinery, tools, implements, and other agricultural equipment: Provided, That the sum hereby appropriated shall be expended subject to the conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, on or before June 30, 1918, and all repayments to this fund made on or before June 30, 1917, are hereby appropriated for the same purpose as the origi-

including repayments, shall remain available until June 30, 1917: Provided further, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund.

ARIZONA AND NEW MEXICO.

SEC. 2. For support and civilization of Indians on reservations in Arizona and New Mexico, $330,000.

For continuing the work of constructing an irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, $125,000.

For support and education of 200 Indian pupils at the Indian school at Fort Mojave, and for pay of superintendent, $35,100; for general repairs and improvements, $4,000; in all, $39,100.

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $119,400; for general repairs and improvements, $8,000; in all, $127,400.

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $18,200; for general repairs and improvements, $3,000; in all, $21,200.

For constructing a bridge across the Little Colorado River on the Navajo Reservation, at or near Tanner's Crossing, Ariz., $90,000.

(17) *For constructing two bridges across the Rio Grande River, one at or near the Isleta Indian pueblo, N. Mex., and the other at or near San Felipe Indian pueblo, N. Mex., $55,000: Provided, That Indian labor shall be employed as far as practicable in the building of said bridges.*

CALIFORNIA.

SEC. 3. For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, $57,000.

(18) *There is hereby appropriated $20,000 for buildings and equipment in connection with the proposed plant of the Northern California Indian Association to be expended by the said association under such terms and conditions as the Secretary of the Interior may impose, on condition, however, that the Northern California Indiana Association shall have raised not less than $100,000 for the erection and support of said institution.*

For support and education of 550 Indian pupils at the Sherman Institute, Riverside, Cal., and for pay of superintendent, $94,350; for new shop building and equipment, $10,000; for general repairs and improvements, $10,000; in all, $114,350.

(19) *That section 25 of the act approved April 21, 1904, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes" (chapter 1402, volume 33, United States Statutes at Large, page 224), be, and the same is hereby, amended as follows: In line 12 strike out the word "five" and insert in lieu thereof the word "ten."*

The sum of $18,000, or so much thereof as may be necessary, is hereby appropriated, from any funds in the Treasury not otherwise appropriated, to meet the costs of the Reclamation Service in the irrigation of the increased allotments, to be reimbursed from any funds received from the sale of the surplus lands of the reservation.

FLORIDA.

SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization, $10,000.

IDAHO.

SEC. 5. For support and civilization of the Shoshones, Bannocks, Sheepeaters, and other Indians on the Fort Hall Reservation in Idaho, including pay of employees, $30,000.

To complete the work of constructing an irrigating system for the irrigation of lands on the Fort Hall Reservation, Idaho, and lands ceded by the Indians of said reservation, $85,000, including $10,000 for maintenance, to be immediately available.

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of July 3, 1868), $5,000.

For the Coeur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (article 11, agreement ratified March 3, 1891), $3,000.

(20) *That the Secretary of the Interior is hereby authorized to cause allotments to be made of the lands on the Fort Hall Indian Reservation in Idaho in areas as follows: To each head of a family whose consort is dead, 40 acres of irrigable land and 320 acres of grazing land, and to each other Indian belonging on the reservation or having rights thereon, 20 acres of irrigable land and 160 acres of grazing land.*

That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the timber land of the Fort Hall Reservation as he may deem necessary to provide timber for the domestic use of the Indians, not exceeding in aggregate two townships of land; and the said Secretary is hereby authorized to set aside and reserve such lands as may be necessary for agency, school, and religious purposes, not exceeding in aggregate 1,280 acres of land for agency and school purposes and 160 acres for any one religious society, to remain reserved so long as agency, school, or religious institutions are maintained thereon; and the said Secretary is hereby authorized to set aside and reserve

nal fund and the entire fund, including such repayments, shall remain available until June 30, 1917, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1917, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: Provided further, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund: Provided still further, That the Secretary of the Interior shall close the account known as the civilization fund created by article 1 of the treaty with the Osage Indians, dated September 29, 1865 (14 Stat. L., p. 687), and cause the balance of any unexpended moneys in that fund to be covered into the Treasury, and thereafter it shall not be withdrawn or applied except in consequence of a subsequent appropriation by law; and that section 11 of the Indian appropriation act for the fiscal year 1898, approved June 7, 1897 (30 Stat. L., p. 93), is hereby repealed.

ARIZONA AND NEW MEXICO.

SEC. 2. For support and civilization of Indians on reservations in Arizona and New Mexico, $330,000.

For continuing the work of constructing an irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, $125,000.

For support and education of 200 Indian pupils at the Indian school at Fort Mojave, and for pay of superintendent, $35,100; for general repairs and improvements, $4,000; in all, $39,100.

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $119,400; for general repairs and improvements, $8,000; in all, $127,400.

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $18,200; for general repairs and improvements, $3,000; in all, $21,200.

For constructing a bridge across the Little Colorado River on the Navajo Reservation, at or near Tanner's Crossing, Ariz., $90,000.

For constructing two bridges across the Rio Grande River, one at or near the Isleta Indian pueblo, N. Mex., and the other at or near San Felipe Indian pueblo, N. Mex., $55,000: Provided, That Indian labor shall be employed as far as practicable in the building of said bridges, and that the limit of cost herein fixed in no event shall be exceeded.

CALIFORNIA.

SEC. 3. For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, $57,000.

For support and education of 550 Indian pupils at the Sherman Institute, Riverside, Cal., and for pay of superintendent, $94,350; for new shop building and equipment, $10,000; for general repairs and improvements, $10,000; in all, $114,350.

The first proviso in section 25 of the Indian appropriation act approved April 21, 1904 (33 Stat., 224), is hereby amended so that the first sentence in said proviso shall read as follows: "Provided, That there shall be reserved for and allotted to each of the Indians belonging on the said reservations 10 acres of the irrigable lands;" and there is hereby appropriated the sum of $18,000, or so much thereof as may be necessary, to defray the cost of the irrigation of the increased allotments for the fiscal year 1912: Provided, That the entire cost of irrigation of the allotted lands shall be reimbursed to the United States from any funds received from the sale of the surplus lands of the reservations or from any other funds that may become available for such purpose: Provided further, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee, or his heirs, shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

FLORIDA.

SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization, $10,000.

IDAHO.

SEC. 5. For support and civilization of the Shoshones, Bannocks, Sheepeaters, and other Indians on the Fort Hall Reservation in Idaho, including pay of employees, $30,000.

To complete the work of constructing an irrigating system for the irrigation of lands on the Fort Hall Reservation, Idaho, and lands ceded by the Indians of said reservation, $85,000, including $10,000 for maintenance, to be immediately available.

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of July 3, 1868), $5,000.

For the Coeur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (article 11, agreement ratified March 3, 1891), $3,000.

The Secretary of the Interior is hereby authorized to cause allotments to be made of the lands on the Fort Hall Indian Reservation in Idaho in areas as follows: To each head of a family whose consort is dead, 40 acres of irrigable land and 320 acres of grazing land, and to each other Indian belonging on the reservation or having rights thereon, 20 acres of irrigable land and 160 acres of grazing land.

That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the timber land of the Fort Hall Reservation as he may deem necessary to provide timber for the domestic use of the Indians, not exceeding in aggregate two townships of land; and the said Secretary is hereby authorized to set aside and reserve such lands as may be necessary for agency, school, and religious purposes, not exceeding in aggregate 1,280 acres of land for agency and school purposes and 160 acres for any one religious society, to remain reserved so long as agency, school, or religious institutions are maintained thereon; and the said Secretary is hereby authorized to set aside and reserve

certain lands chiefly valuable for the stone quarries situated thereon, not to exceed in aggregate 320 acres of land; and authority is hereby granted the said Secretary to lease said stone quarries under the provisions of section 3 of the act of February 28, 1891, Twenty-sixth United States Statutes at Large, page 795, or, in his discretion, to operate said quarries for the benefit of the Indians of the Fort Hall Reservation and to sell the stone quarried therefrom, the proceeds derived from said quarries to be deposited in the Treasury of the United States to the credit of said Indians and expended for their benefit in such manner as the said Secretary may prescribe.

That the Secretary of the Interior is hereby authorized in his discretion to make allotments as herein provided within the "Fort Hall Bottoms" grazing reserve to those Indians who have occupied and erected valuable improvements on tracts therein.

All acts or parts of acts in conflict herewith are hereby repealed.

KANSAS.

SEC. 6. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $127,750; for general repairs and improvements, $10,000; in all, $137,750.

For support and education of 80 Indian pupils at the Indian school, Kickapoo Reservation, Kans., and for pay of superintendent, $14,860; for general repairs and improvements, $3,000; in all, $17,860.

For fulfilling treaties with the Sacs and Foxes of the Missouri: For support of a school (art. 5, treaty of Mar. 6, 1861), $200.

MICHIGAN.

SEC. 7. For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $51,800; for new lavatories, $4,000; for new dormitory, $15,000; for general repairs and improvements, $5,000; in all, $75,800.

MINNESOTA.

(21) [SEC. 8. For care of buildings, including pay of employees, at the Indian school, Pipestone, Minn., $2,000.]

SEC. 8. *For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., and for pay of superintendent, $39,175; for general repairs and improvements, $2,500; in all, $41,675.*

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (article 3, treaty of March 19, 1867), $4,000.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $165,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

(22) *The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of $1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1911, out of the funds belonging to said band.*

(23) *That there is hereby granted to the State of Minnesota upon the terms and conditions hereinafter named, the following-described property, known as the Indian school at Pipestone, Minn., and more particularly described as follows, to wit:*

Sections 1 and 2 of township 106 north, range 46 west, and sections 35 and 36 of township 107 north, range 46 west of the fifth principal meridian, containing 648⅞ acres more or less:

Provided, That said lands and buildings shall be held and maintained by the State of Minnesota as an agricultural school and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils:

Provided further, That this grant shall be effective on July 1, 1912, if before that date the State of Minnesota by its legislature shall by bill or joint resolution accept the terms of this grant and in said event the said State of Minnesota shall file with the Secretary of the Interior a certified copy of said act or joint resolution, whereupon this grant shall take effect without further act; and the indorsement of the Secretary of the Interior, upon a certified copy of said act or joint resolution of the Legislature of the State of Minnesota, showing the date of the filing thereof with said Secretary of the Interior and showing said date to be prior to July 1, 1912, shall be competent proof in all courts of record of the filing of such certified copy of such act or joint resolution.

(24) *That the last clause of section 10 of the Indian appropriation act approved April 4, 1910, be amended so as to read as follows:*

"To enable the Secretary of the Interior to construct a bridge on the old Red Lake Agency Road across Clearwater River in township 150, north of range 37, west of the fifth principal meridian, $1,000, to be available until expended."

(25) *That a commission consisting of three members be, and the same is hereby, created, authorized, and empowered to make a complete census roll of all the Chippewa Indians who have received, or are entitled to receive, allotments of land in severalty on the White Earth Indian Reservation in the State of Minnesota.*

Said commission shall consist of the present Chippewa commissioner, a member to be appointed by the Secretary of the Interior, and a member to be chosen and designated in a general council by the White Earth bands of Chippewa Indians, to be held at the village of White Earth, on the White Earth Indian Reservation, in said State, and the proceedings and report of which council shall be certified to the Secretary of the Interior and authenticated by the chairman and secretary of the council.

The commission hereby authorized shall be selected and appointed within 30 days from the passage of this act, and shall forthwith assemble at the village of White Earth aforesaid, and, after organizing, shall proceed to enroll, in alphabetical and convenient order, all persons entitled thereto, showing the name, age, and sex of each, and making the roll in two parts, one of which shall include only persons having Indian blood alone, which persons shall be designated on the rolls as "full-bloods;" the other shall include only persons entitled to enrollment and having other than Indian blood, which persons shall be designated on the rolls as "mixed-bloods."

Said rolls shall be in quadruplicate, one copy to be delivered to a member of the tribe to be designated by the council, one copy to be filed at the White Earth Agency and kept there open to the inspection of any person desiring to examine the same, one copy to be delivered

certain lands chiefly valuable for the stone quarries situated thereon, not to exceed in aggregate 320 acres of land; and authority is hereby granted the said Secretary to lease said stone quarries or, in his discretion, to operate said quarries for the benefit of the Indians of the Fort Hall Reservation and to sell the stone quarried therefrom, the net proceeds derived from said quarries to be deposited in the Treasury of the United States to the credit of said Indians and expended for their benefit in such manner as the said Secretary may prescribe.

That the Secretary of the Interior is hereby authorized in his discretion to make allotments as herein provided within the "Fort Hall Bottoms" grazing reserve to those Indians who have occupied and erected valuable improvements on tracts therein.

That so much of the act of February 23, 1889, entitled "An act to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters, of the Fort Hall and Lemhi Reservations in Idaho, May 14, 1880, and for other purposes," and the provision in section 7 of the Indian appropriation act approved April 4, 1910, as conflict with the provisions herein are hereby repealed.

KANSAS.

SEC. 6. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $127,750; for general repairs and improvements, $10,000; in all, $137,750.

For support and education of 80 Indian pupils at the Indian school, Kickapoo Reservation, Kans., and for pay of superintendent, $14,860; for general repairs and improvements, $3,000; in all, $17,860.

For fulfilling treaties with the Sacs and Foxes of the Missouri: For support of a school (art. 5, treaty of Mar. 6, 1861), $200.

MICHIGAN.

SEC. 7. For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $51,800; for new lavatories, $4,000; for new dormitory, $15,000; for general repairs and improvements, $5,000; in all, $75,800.

MINNESOTA.

[SEC. 8. For care of buildings, including pay of employees, at the Indian school, Pipestone, Minn., $2,000.]

SEC. 8. *For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., and for pay of superintendent, $39,175; for general repairs and improvements, $2,500; in all, $41,675.*

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (article 3, treaty of March 19, 1867), $4,000.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $165,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of $1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1911, out of the funds belonging to said band.

There is hereby appropriated the sum of $5,000, or so much thereof as may be necessary, to be immediately available, for the purpose of defraying the costs and expenses, including the compensation of counsel, in the proceedings authorized to be brought in the Court of Claims by provisions in section 22 of the Indian appropriation act for the fiscal year 1911, approved April 4, 1910, between the United States and the Yankton Tribe of Indians of South Dakota, to determine the interest, title, ownership, and right of possession of said tribe of Indians in and to certain lands and premises therein described.

That the last clause of section 10 of the Indian appropriation act approved April 4, 1910, be amended so as to read as follows:

"To enable the Secretary of the Interior to construct a bridge on the old Red Lake Agency Road across Clearwater River in township 150, north of range 37, west of the fifth principal meridian, $1,000, to be available until expended."

The Secretary of the Interior is hereby directed to withdraw from the Treasury of the United States the sum of $2,500, or so much thereof as may be necessary of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," to pay the actual and necessary expenses of the members of the White Earth Band of Indians sent by a council of said Indians held December 10, 1910, to represent said band in Washington during the third session of the Sixty-first Congress, which expense shall be itemized and verified under oath by Chief Wain-che-mah-dub, of said delegation.

to the Commissioner of Indian Affairs, and one copy to the Secretary of the Interior.

The rolls shall be signed and certified to by the members of the commission and shall be filed, as herein provided, within six months from the date of the appointment of the commissioners by the Secretary of the Interior, and shall be conclusive as to the classes to which said Indians belong, whether "full-bloods" or "mixed-bloods."

Said commission is hereby authorized and empowered to administer oaths and take the necessary testimony for establishing the facts in each case with reference to the class to which any member of said reservation belongs on the rolls.

If any Indian whose name appears as a full-blood on said rolls, has, prior to the making thereof, sold and conveyed his allotment, or any part thereof, to an innocent purchaser, under representation by such Indian that he is a mixed-blood, the Secretary of the Interior may, and he is hereby authorized, with the consent of the allottee, either to confirm such sale, or, if the amount received therefor, in the discretion of the Secretary of the Interior, be deemed inadequate, he may offer for sale, and sell, under such rules and regulations as he may prescribe, such full-blood's allotment, or any part thereof, and, after reimbursing said innocent purchaser for all sums paid to the allottee therein, shall turn over to the allottee the balance so received from the sale: Provided, however, That in all cases where a purchaser has made improvements upon the land at his own expense, such improvements shall be separately appraised by the superintendent in charge of said reservation, by the owner of the improvements, and by the allottee, and said land shall not be sold for less value than said appraisal on both land and improvements.

The allottee or any other person interested in the classification and enrollment under the terms of this act shall be permitted to appear in person or by attorney before said commission and present testimony that he may deem proper.

And to defray the expenses of making such rolls, the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated from the general fund of the Chippewa Indians of Minnesota, now in the Treasury of the United States, to be charged against the Chippewas of White Earth Reservation and be reimbursed to the fund out of their share.

Said commissioners shall be each entitled to compensation at the rate of $10 per day for each and every day actually engaged in the discharge of their duties. They are also hereby authorized to employ an interpreter at $5 per day, and such additional assistance as they may deem proper and necessary, including clerks and stenographers.

MONTANA.

SEC. 9. For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $15,000.

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $9,000.

For support and civilization of the Indians at Fort Peck Agency, Mont., including pay of employees, $35,000.

For the Milk River irrigation system on the Fort Belknap Reservation, in Montana, $15,000 (26), *the same to be reimbursable.*

For the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, (27) [three] *four* hundred thousand dollars.

For continuing construction of first unit of irrigation system to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation in Montana and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $150,000.

For fulfilling treaties with Crows, Montana: For pay of physician, $1,200, and for pay of carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of May 7, 1868), $3,600; for pay of second blacksmith (article 8, same treaty), $1,200; in all, $6,000.

For subsistence and civilization (agreement with the Sioux Indians, approved February 28, 1877), including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Mont., $90,000; for pay of physician, 2 teachers, 2 carpenters, 1 miller, 2 farmers, 1 blacksmith, and engineer (article 7, treaty of May 10, 1868), $9,000; in all, $99,000.

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, $1,500.

(28) *In the issuance of patents for all tracts of lands bordering upon Flathead Lake, Mont., it shall be incorporated in the patent that "this conveyance is subject to an easement of 100 linear feet back from the meander line constituting the frontage on Flathead Lake, to remain in the Government for purposes connected with the development of water power."*

NEBRASKA.

SEC. 10. For support and education of 300 Indian pupils at the Indian school at Genoa, Nebr., and for pay of superintendent, $52,100; (29) *for repairs to present heating plant, $5,000, to be immediately available; for superintendent's cottage, $5,500;* for two new dormitories, $35,000; for general repairs and improvements, $3,000; in all (30) [ninety thousand one hundred] *one hundred thousand six hundred* dollars.

(31) *To repair the Government bridge in Knox County, Nebr., on the Niobrara, $1,500, to be immediately available.*

NEVADA.

SEC. 11. For support and civilization of the Indians of the Western Shoshone Agency, Nev., including pay of employees, $8,000.

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., and for pay of superintendent, $50,100; for general repairs and improvements, $6,000; in all, $56,100.

MONTANA.

SEC. 9. For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $15,000.

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $9,000.

For support and civilization of the Indians at Fort Peck Agency, Mont., including pay of employees, $35,000.

For the Milk River irrigation system on the Fort Belknap Reservation, in Montana, $15,000: *Provided, That the portion of the cost of this project paid from public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: Provided further, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.*

For the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, [three] *four* hundred thousand dollars.

For continuing construction of first unit of irrigation system to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation in Montana and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $150,000.

For fulfilling treaties with Crows, Montana: For pay of physician, $1,200, and for pay of carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of May 7, 1868), $3,600; for pay of second blacksmith (article 8, same treaty), $1,200; in all, $6,000.

For subsistence and civilization (agreement with the Sioux Indians, approved February 28, 1877), including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Mont., $90,000; for pay of physician, 2 teachers, 2 carpenters, 1 miller, 2 farmers, 1 blacksmith, and engineer (article 7, treaty of May 10, 1868), $9,000; in all, $99,000.

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, $1,500.

In the issuance of patents for all tracts of land bordering upon Flathead Lake, Mont., it shall be incorporated in the patent that "this conveyance is subject to an easement of 100 linear feet back from a contour of elevation 9 feet above the high-water mark of the year 1909 of Flathead Lake, to remain in the Government for purposes connected with the development of water power."

NEBRASKA.

SEC. 10. For support and education of 300 Indian pupils at the Indian school at Genoa, Nebr., and for pay of superintendent, $52,100; *for repairs to present heating plant, $5,000, to be immediately available;* for two new dormitories, $35,000; for general repairs and improvements, $3,000; in all [ninety thousand one hundred] *ninety-five thousand one hundred* dollars.

NEVADA.

SEC. 11. For support and civilization of the Indians of the Western Shoshone Agency, Nev., including pay of employees, $8,000.

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., and for pay of superintendent, $50,100; for general repairs and improvements, $6,000; in all, $56,100.

For support and civilization of other Indians, in the State of Nevada, $6,500; for pay of employees, including physician, at the Walker River Reservation, $4,000; in all, $10,500.

NEW MEXICO.

SEC. 12. For support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $9,000; (32) *for new dormitory for boys, $25,000;* in all, (33) [sixty] *eighty-five* thousand nine hundred dollars.

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $5,000; for water supply, $1,600; in all, $58,500.

For pay of one special attorney for the Pueblo Indians of New Mexico, $1,500; for necessary traveling and incidental expenses of said attorney, $500; in all, $2,000.

NEW YORK.

SEC. 13. For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February 19, 1831), $6,000.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article 6, treaty of November 11, 1794), (34) [three] *four* thousand five hundred dollars.

NORTH CAROLINA.

SEC. 14. For support and education of 180 Indian pupils at the Indian school at Cherokee, N. C., and for pay of superintendent, $26,650; for general repairs and improvements, $2,000; in all, $28,650.

NORTH DAKOTA.

SEC. 15. For support and civilization of the Sioux of Devils Lake, N. Dak., (35) [five thousand] *seven thousand five hundred* dollars.

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, $15,000.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, $13,000.

(36) [For support and education of 325 Indian pupils at the Indian school, Fort Totten, N. Dak., and for pay of superintendent, $55,975; for new hospital, $5,000; for new dairy barn, silo, and equipment, $3,500; for general repairs and improvements, $5,000; in all, $69,475.]

(37) *Fort Totten Indian School.*

(38) *For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, $68,500.*

(39) *For gymnasium and assembly hall, $8,000.*

(40) *For hospital, $5,000.*

(41) *For residence of superintendent, $4,000.*

(42) *For dairy barn, silo, and equipment, $3,500.*

(43) *For ventilating system, $2,500.*

(44) *For general repairs and improvements, $5,000.*

(45) *In all, $96,500.*

(46) [For support and education of 100 Indian pupils at the Indian school, Wahpeton, N. Dak., and for pay if superintendent, $18,200; for general repairs and improvements, $2,000; in all, $20,200.]

For support and education of 100 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $18,200; for general repairs and improvements, $2,000; for electric current for lights, power, etc., telephone, and general incidental expenses, $1,000; for ornamental fencing of school grounds and shade trees, $5,000; addition to girls' dormitory, $15,000; addition to boys' dormitory, $15,000; addition to schoolhouse, $10,000; in all, $66,200.

For support and education of 100 Indian pupils at the Indian school, Bismarck, N. Dak., and for pay of superintendent, $18,200; for general repairs and improvements, $2,000; in all, $20,200.

(47) *To enable the superintendent to experiment with agricultural and fruit products in connection with irrigation at said agency, to be expended under the direction of the Commissioner of Indian Affairs, $2,500.*

(48) *Any licensed trader in the Standing Rock Indian Agency of North and South Dakota, who has any claim against any Indian of said agency for goods sold to such Indian may file an itemized statement of said claim with the Indian superintendent. Said superintendent shall forthwith notify said Indian in writing of the filing of said claim and request him to appear within a reasonable time thereafter, to be fixed in said notice, and present any objections he may have to the payment thereof, or any offset or any counterclaim thereto.*

If said Indian appears and contests said claim, or any item therein, the said superintendent shall notify the said trader and fix a time for the settlement of the account between the parties thereto, and shall on a hearing thereof use his efforts to secure an agreement as to the amount due between the said parties. If the said Indian shall not appear within the time specified in the notice, the superintendent shall call in the said trader and carefully investigate every item of said account and determine the amount due thereon. Any account so settled by the superintendent or any such account admitted by the Indian shall be and remain an account stated between the parties thereto.

That out of any moneys that shall thereafter become due to said Indian, by reason of any annuity or other indebtedness, from the Government of the United States, or for property sold by or on account of such Indian, there shall be paid by the superintendent to such trader at least 25 per cent of the money which would be due such Indian and 25 per cent of any money that may thereafter become due to such Indian until the account stated shall have been paid. And where the amount due said Indian shall be sufficient, in the judgment of said superintendent, to pay a greater amount of said indebtedness, still leaving said Indian sufficient for his ordinary needs, such superintendent shall use his influence to secure the payment of the whole or a greater proportion of said account: Provided, That such Indian may at any time appear and contest any item in the said account which he has not proved.

OKLAHOMA.

SEC. 16. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, $5,000.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $25,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

(49) *That the Secretary of the Interior is authorized, in his discretion, to use and expend for the benefit and the improvement of the Fort*

For support and civilization of other Indians, in the State of Nevada, $6,500; for pay of employees, including physician, at the Walker River Reservation, $4,000; in all, $10,500.

NEW MEXICO.

SEC. 12. For support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $9,000; *for new dormitory for boys, $25,000;* in all [sixty] *eighty-five* thousand nine hundred dollars.

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $5,000; for water supply, $1,600; in all, $58,500.

For pay of one special attorney for the Pueblo Indians of New Mexico, $1,500; for necessary traveling and incidental expenses of said attorney, $500; in all, $2,000.

NEW YORK.

SEC. 13. For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February 19, 1831), $6,000.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article 6, treaty of November 11, 1794), [three] *four* thousand five hundred dollars.

NORTH CAROLINA.

SEC. 14. For support and education of 180 Indian pupils at the Indian school at Cherokee, N. C., and for pay of superintendent, $26,650; for general repairs and improvements, $2,000; in all, $28,650.

NORTH DAKOTA.

SEC. 15. For support and civilization of the Sioux of Devils Lake N. Dak., $5,000.

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, $15,000.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, $13,000.

For support and education of [three] *four* hundred and twenty-five Indian pupils at the Indian school, Fort Totten, N. Dak., and for pay of superintendent, [fifty-five thousand nine hundred and seventy-five] *sixty-eight thousand five hundred* dollars; for new hospital, $5,000; for new dairy barn, silo, and equipment, $3,500; for general repairs and improvements, $5,000; in all, [sixty-nine] *eighty-two* thousand [four hundred and seventy-five] dollars.

For support and education of 100 Indian pupils at the Indian school, Wahpeton, N. Dak., and for pay of superintendent, $18,200; for general repairs and improvements, $2,000; *addition to dormitories, $30,000;* in all, [twenty] *fifty* thousand two hundred dollars.

For support and education of 100 Indian pupils at the Indian school, Bismarck, N. Dak., and for pay of superintendent, $18,200; for general repairs and improvements, $2,000; in all, $20,200.

For the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, $2,500.

(Amendment No. 48 has been disagreed to and is still subject to conference.)

OKLAHOMA.

SEC. 16. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, $5,000.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $25,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

Sill Indian School and the Kiowa Indian Agency, in such proportions as he may determine, the proceeds arising from the sale of a certain tract of land sold in pursuance of an act entitled "An act to authorize the Secretary of the Interior to dispose of a fractional tract of land in the Lawton (Okla.) land district at appraised value," approved May 11, 1910, said proceeds amounting to $5,276.60.

(50) *That the Secretary of the Interior, in his discretion, is authorized to sell, upon such terms and under such rules and regulations as he may describe, the following-described tracts of land, to wit: The southeast quarter of section 20, township 6 north, range 15 west of Indian meridian, Oklahoma; the east half of southeast quarter of section 2, township 7 north, range 12 west of Indian Meridian, Oklahoma; the southwest quarter of section 2, township 7 north, range 12 west of Indian meridian, Oklahoma; the southwest quarter of section 5, township 4 north, range 9 west of Indian Meridian, Oklahoma; the southeast quarter of northwest quarter of section 32, township 2 north, range 11 west of Indian meridian, Oklahoma; lots 1 and 2 and south half of southeast quarter of section 17, township 2 north, range 11 west of Indian meridian, Oklahoma; and lots 3 and 4 and south half of southwest quarter of section 17, township 2 north, range 11 west of Indian meridian, Oklahoma; all land in southwest quarter of section 14, township 7 north, range 10 west of Indian meridian, and all land in west half of southeast quarter of section 14, township 7 north, range 10 west of Indian meridian, lying south of the Chicago, Rock Island & Pacific Railway right of way, part of Kiowa Agency Reserve, Okla.: Provided, That the proceeds arising from said sales shall be held by the Secretary of the Interior as a special fund, to be disposed of by future action of the Congress.*

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation in Oklahoma, $35,000.

For support and civilization of the Kansas Indians, Oklahoma, including agricultural assistance and pay of employees, $1,500.

For support and civilization of the Kickapoo Indians in Oklahoma, $2,000.

For support and civilization of the Ponca Indians in Oklahoma, including pay of employees, $8,000.

For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., and for pay of superintendent, $83,500; for general repairs and improvements, $6,500; in all, $90,000.

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (article 3, agreement of November 23, 1892), $30,000; for support of two manual-labor schools (article 3, treaty of September 24, 1857), $10,000; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (article 4, same treaty), $5,400; for purchase of iron and steel and other necessaries for the shops (article 4, same treaty), $500; for pay of physician and purchase of medicines, $1,200; in all, $47,100.

For support of Quapaws, Oklahoma: For education (article 3, treaty of May 13, 1833), $1,000; for blacksmith and assistants, and tools, iron and steel for blacksmith shop (same article and treaty), $500; in all, $1,500: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Five Civilized Tribes.

(51) [SEC. 17. For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, including the salary of superintendent at not to exceed $4,500 per annum, and the compensation of all employees, $175,000.]

SEC. 17. For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, including the salary of superintendent at not to exceed $4,500 per annum, and the compensation of all employees, $205,000, thirty thousand of which shall be immediately available: Provided, That the Secretary of the Interior is directed to so disburse this appropriation that the final distribution of the lands and the proceeds thereof, together with the funds of the Five Civilized Tribes, shall be definitely completed on or before July 1, 1912, in pursuance of the agreements made with said tribes, and he is hereby expressly authorized to take all necessary steps to carry out the provisions of such agreements and make effective the requirements of this act: Provided further, That nothing herein contained shall apply to the reserved coal and asphalt lands of the Chickasaw and Choctaw Tribes of Indians.

(52) *That the Secretary of the Interior be, and he is hereby, authorized to designate an employee or employees of the Department of the Interior to sign, under the direction of the Secretary, in his name and for him, his approval of tribal deeds to allottees, to purchasers of town lots, to purchasers of unallotted lands, to persons, corporations, or organizations for lands reserved to them under the law for their use and benefit, and to any tribal deeds made and executed according to law for any of the Five Civilized Tribes of Indians in Oklahoma.*

For salaries and expenses of district agents for the Five Civilized Tribes in Oklahoma and other employees connected with the work of such agents, $100,000.

(53) *For support of the tribal schools of Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, as provided for by section 19 of the act of April 26, 1906, $75,000, or so much thereof as may be necessary.*

(54) *For the benefit and use of the Old Goodland Indian Orphan Industrial School, known also as the Presbyterian Missionary School, $5,000 from the fund belonging to the Choctaw Nation.*

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article 2, treaty of November 16, 1805, and article 13, treaty of June 22, 1855), $3,000; for permanent annuity for support of light horsemen (article 13, treaty of October 18, 1820, and article 13, treaty of June 22, 1855), $600; for permanent annuity for support of blacksmith (article 6, treaty of October 18, 1820, and article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $600; for permanent annuity for education (article 2, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $6,000; for permanent annuity for iron and steel (article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $320; in all, $10,520.

(55) *That tribal contracts which are necessary to the administration of the affairs of the Choctaw and Chickasaw Tribes of Indians by the Government of the United States may be made with the approval of the Secretary of the Interior: Provided, That contracts for professional legal services of attorneys may be made by the tribes for a stipulated amount and period, in no case exceeding one year in duration and $5,000 per annum in amount, with reasonable and necessary expenses to be approved and paid under the direction of the Secretary of the Interior, but such contracts for legal services shall not be of any validity until approved by the President of the United States.*

(56) *Funds arising from the sales of unallotted lands and other tribal property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians may, in the discretion of the Secretary of*

That the Secretary of the Interior, in his discretion, is authorized to sell, upon such terms and under such rules and regulations as he may prescribe, the unused, unallotted, and unreserved lands of the United States in the Kiowa, Comanche, and Apache Reservations.

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation in Oklahoma, $35,000.

For support and civilization of the Kansas Indians, Oklahoma, including agricultural assistance and pay of employees, $1,500.

For support and civilization of the Kickapoo Indians in Oklahoma, $2,000.

For support and civilization of the Ponca Indians in Oklahoma, including pay of employees, $8,000.

For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., and for pay of superintendent, $83,500; for general repairs and improvements, $6,500; in all, $90,000.

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (article 3, agreement of November 23, 1892), $30,000; for support of two manual-labor schools (article 3, treaty of September 24, 1857), $10,000; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (article 4, same treaty), $5,400; for purchase of iron and steel and other necessaries for the shops (article 4, same treaty), $500; for pay of physician and purchase of medicines, $1,200; in all, $47,100.

For support of Quapaws, Oklahoma: For education (article 3, treaty of May 13, 1833), $1,000; for blacksmith and assistants, and tools, iron and steel for blacksmith shop (same article and treaty), $500; in all, $1,500: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Five Civilized Tribes.

SEC. 17. For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, including the salary of superintendent at not to exceed $4,500 per annum, and the compensation of all employees, $175,000.

That the Secretary of the Interior be, and he is hereby, authorized to designate an employee or employees of the Department of the Interior to sign, under the direction of the Secretary, in his name and for him, his approval of tribal deeds to allottees, to purchasers of town lots, to purchasers of unallotted lands, to persons, corporations, or organizations for lands reserved to them under the law for their use and benefit, and to any tribal deeds made and executed according to law for any of the Five Civilized Tribes of Indians in Oklahoma.

For salaries and expenses of district agents for the Five Civilized Tribes in Oklahoma and other employees connected with the work of such agents, $100,000.

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article 2, treaty of November 16, 1805, and article 13, treaty of June 22, 1855), $3,000; for permanent annuity for support of light horsemen (article 13, treaty of October 18, 1820, and article 13, treaty of June 22, 1855), $600; for permanent annuity for support of blacksmith (article 6, treaty of October 18, 1820, and article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $600; for permanent annuity for education (article 2, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $6,000; for permanent annuity for iron and steel (article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $320; in all, $10,520.

That tribal contracts which are necessary to the administration of the affairs of the Choctaw and Chickasaw Tribes of Indians may be made by the Secretary of the Interior: Provided, That contracts for professional legal services of attorneys may be made by the tribes for a stipulated amount and period, in no case exceeding one year in duration and $5,000 per annum in amount, with reasonable and necessary expenses to be approved and paid under the direction of the Secretary of the Interior, but such contracts for legal services shall not be of any validity until approved by the President.

The net receipts from the sales of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, after deducting the necessary expense of advertising and sale, may be

the Interior, be deposited in national or State banks in the State of Oklahoma to be designated by him under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor, as he may prescribe. The interest accruing on such funds shall be used toward defraying the costs of sale of such lands and toward the expense of the per capita payments on the distribution of such funds.

(57) That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the claim of the United States against J. Blair Shoenfelt, late United States Indian agent, Union Agency, Okla., growing out of the embezzlement of moneys by Lyman K. Lane, formerly financial clerk and cashier at said agency, for which said Shoenfelt is accountable; and the Secretary of the Treasury is further authorized and directed to pay to J. Blair Shoenfelt the sum of $3,578.63, being the amount he has paid to the United States on account of said defalcation, and to place to the credit of the proper Indian funds the sum of $3,702.74, embezzled therefrom by said Lane.

(58) That the Secretary of the Treasury is authorized and directed to pay to the heirs of John W. West, deceased, or their legal representative, out of any money in the Treasury of the United States standing to the credit of the Cherokee Nation of Indians, the sum of $5,000, in full payment for the property of said John W. West taken by the Cherokee National Council October 30, 1843; said $5,000 being the amount found due the heirs of the said John W. West by the commission appointed under the provisions of the seventh article of the treaty of August 6, 1846, and affirmed by the Secretary of the Interior September 16, 1884.

OREGON.

SEC. 18. For support and civilization of the Klamath, Modocs, and other Indians of the Klamath Agency, Oreg., including pay of employees, $6,000.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, and for pay of employees, $4,000.

For support and civilization of the Wallawalla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, $3,000.

For support and education of 600 Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oreg., and for pay of superintendent, $102,200; for general repairs and improvements, $10,000; (59) *for extension of wing of present brick school building, $15,000;* in all, one hundred (60) [twelve] *twenty-seven* thousand two hundred dollars.

For support and civilization of Indians of Grande Ronde and Siletz agencies, Oreg., including pay of employees, $4,000.

(61) *For beginning the construction of the Modoc Point irrigation project, $50,000; reimbursable, and to be repaid into the Treasury of the United States from funds derived from the sale of timber on the Klamath Indian Reservation, Oreg.: Provided, That the total cost of this project shall not exceed $135,737.15.*

PENNSYLVANIA.

SEC. 19. For support and education of Indian pupils at the Indian school at Carlisle, Pa., (62) *for transportation of pupils to and from said school,* and for pay of superintendent, one hundred (63) [forty-two] *sixty-four* thousand dollars; for general repairs and improvements, $5,000; in all, one hundred (64) [forty-seven] *sixty-nine* thousand dollars.

SOUTH DAKOTA.

SEC. 20. For support and education of 375 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $64,425; for general repairs and improvements, $5,000; in all, $69,425.

For support and education of 175 Indian pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $32,000; to complete irrigation plant, $17,000; to complete new building, $10,000; for general repairs and improvements, $5,000; in all, sixty-four thousand (65) [five hundred and fifty] dollars.

(66) *For support and education of 175 Indian pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $35,000, of which $3,000 shall be immediately available; to complete irrigation plant, $17,000; to complete new building, $10,000; for general repairs and improvement, $5,000; in all, $67,000.*

For support and education of (67) [two hundred and fifty] *three hundred* Indian pupils at the Indian school, Rapid City, S. Dak., and for pay of superintendent, (68) [forty-three thousand three hundred and fifty dollars] *fifty-one thousand nine hundred dollars, $2,000 of which shall be immediately available;* for new dormitory for girls, $20,000; for installation of a central heating plant, $10,000; for general repairs and improvements, $8,000; in all, (69) [eighty-one thousand three hundred and fifty] *eighty-nine thousand nine hundred* dollars.

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of 5 teachers, 1 physician, 1 carpenter, 1 miller, 1 engineer, 2 farmers, and 1 blacksmith (article 13, treaty of April 29, 1868), $10,400; for pay of second blacksmith, and furnishing iron, steel, and other material (article 8 of same treaty), $1,600; for pay of additional employees at the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, $88,000; for subsistence of the Sioux, and for purposes of their civilization (act of February 28, 1877), $350,000: *Provided,* That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; and additional to the appropriation of $350,000 herein made for the purposes of civilization, and supplemental thereto, there is hereby appropriated the sum of $150,000, to be paid from tribal funds held in trust for the Indians on the Cheyenne River and Standing Rock Reservations, in South Dakota and North Dakota, to be expended for their benefit, as provided for in section 6 of the act of May 29, 1908; in all, $600,000.

For support and maintenance of day and industrial schools among the Sioux Indians in South Dakota, including the erection and repairs of school buildings, $200,000, to be expended under the agreement with said Indians in section 17 of the act of March 2, 1889, which agreement is hereby extended to and including June 30, 1912.

For subsistence and civilization of the Yankton Sioux, South Dakota, $15,000.

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees.

deposited in national or State banks in the State of Oklahoma, in the discretion of the Secretary of the Interior, such depositories to be designated by him under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor, as he may prescribe. The interest accruing on such funds may be used to defray the expense of the per capita payments of such funds.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the claim of the United States against J. Blair Schoenfelt, late United States Indian agent, Union Agency, Okla., and the Secretary of the Treasury is further authorized and directed to pay to J. Blair Schoenfelt the sum of $3,578.63, being the amount he has paid to the United States, and the Secretary of the Treasury is further authorized and directed to place to the credit of the proper Indian funds the sum of $3,702.74; and the Senate agree to the same.

OREGON.

SEC. 18. For support and civilization of the Klamath, Modocs, and other Indians of the Klamath Agency, Oreg., including pay of employees, $6,000.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, and for pay of employees, $4,000.

For support and civilization of the Wallawalla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, $3,000.

For support and education of 600 Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oreg., and for pay of superintendent, $102,200; for general repairs and improvements, $10,000; *for extension of wing of present brick school building, $15,000;* in all, one hundred [twelve] *twenty-seven* thousand two hundred dollars.

For support and civilization of Indians of Grande Ronde and Siletz agencies, Oreg., including pay of employees, $4,000.

For continuing the construction of the Modoc Point irrigation project, including drainage and canal systems, within the Klamath Indian Reservation, in the State of Oregon, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior in conformity with a provision in section 1 of the Indian appropriation act for the fiscal year 1911, $50,000: Provided, That the total cost of this project shall not exceed $155,000, including the sum of $35,141.59 expended on this project to June 30, 1910, and that the entire cost of the project shall be repaid into the Treasury of the United States from the proceeds from the sale of timber or lands on the Klamath Indian Reservation.

PENNSYLVANIA.

SEC. 19. For support and education of Indian pupils at the Indian school at Carlisle, Pa., and for pay of superintendent, $142,000; for general repairs and improvements, $5,000; in all, $147,000.

SOUTH DAKOTA.

SEC. 20. For support and education of 375 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $64,425; for general repairs and improvements, $5,000; in all, $69,425.

For support and education of 175 Indian pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $32,000; to complete irrigation plant, $17,000; to complete new building, $10,000; for general repairs and improvements, $5,000; in all, sixty-four thousand [five hundred and fifty] dollars.

For support and education of Indian pupils at the Indian school at Pierre, S. Dak., and for general repairs and improvements, to be immediately available, $6,000.

For support and education of [two hundred and fifty] *three hundred* Indian pupils at the Indian school, Rapid City, S. Dak., and for pay of superintendent, [forty-three thousand three hundred and fifty dollars] *fifty-one thousand nine hundred dollars, $2,000 of which shall be immediately available;* for new dormitory for girls, $20,000; for installation of a central heating plant, $10,000; for general repairs and improvements, $8,000; in all, [eighty-one thousand three hundred and fifty] *eighty-nine thousand nine hundred* dollars.

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of 5 teachers, 1 physician, 1 carpenter, 1 miller, 1 engineer, 2 farmers, and 1 blacksmith (article 13, treaty of April 29, 1868), $10,400; for pay of second blacksmith, and furnishing iron, steel, and other material (article 8 of same treaty), $1,600; for pay of additional employees at the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, $88,000; for subsistence of the Sioux, and for purposes of their civilization (act of February 28, 1877), $350,000: *Provided,* That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; and additional to the appropriation of $350,000 herein made for the purposes of civilization, and supplemental thereto, there is hereby appropriated the sum of $150,000, to be paid from tribal funds held in trust for the Indians on the Cheyenne River and Standing Rock Reservations, in South Dakota and North Dakota, to be expended for their benefit, as provided for in section 6 of the act of May 29, 1908; in all, $600,000.

For support and maintenance of day and industrial schools among the Sioux Indians in South Dakota, including the erection and repairs of school buildings, $200,000, to be expended under the agreement with said Indians in section 17 of the act of March 2, 1889, which agreement is hereby extended to and including June 30, 1912.

For subsistence and civilization of the Yankton Sioux, South Dakota, $15,000.

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees,

and for necessary expense of transporting insane Indians to and from said asylum, $30,000.

(70) *That section 8 of an act entitled "An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect," approved May 27, 1910, is hereby amended so as to read as follows:*

"Sec. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections, or parts thereof, are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or within the said Pine Ridge Indian Reservation, to locate other lands not otherwise appropriated, not exceeding 2 sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

(71) *That section 8 of an act entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved May 30, 1910, is hereby amended so as to read as follows:*

"Sec. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections or parts thereof are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or within the said Rosebud Indian Reservation, to locate other lands not otherwise appropriated, not exceeding 2 sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

(72) *That the time in which the commission appointed to inspect, classify, and appraise the unallotted lands in the counties of Mellette and Washabaugh, in the Rosebud Indian Reservation in the State of South Dakota, under an act entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved May 30, 1910, be, and the same is hereby, extended to the 1st day of June, 1911, to complete and return the same.*

UTAH.

SEC. 21. For pay of Indian agent at the Uintah and Ouray Agency (consolidated), Utah, $1,800.

For support of Confederated Bands of Utes in Utah: For pay of 2 carpenters, 2 millers, 2 farmers, and 2 blacksmiths (article 15, treaty of March 2, 1868), $6,720; for pay of 2 teachers (same article and treaty), $1,800; for purchase of iron and steel and the necessary tools for blacksmith shop (article 9, same treaty), $220; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food (article 12, same treaty), $30,000; for pay of employees at the several Ute agencies, $15,000; in all, $53,740.

(73) *For the maintenance, purchase of seed, farm implements, and stock for the Indians of Skull Valley, Deep Creek, and other detached Indians in Utah, $10,000, or so much thereof as may be necessary, to be immediately available and expended under the direction of the Secretary of the Interior.*

(74) *For continuing the construction of lateral distributing systems and the maintenance of existing irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, authorized under the act of June 21, 1906, to be expended under the terms thereof and reimbursable as therein provided, $75,000.*

(75) *There is hereby granted to the State of Utah upon the terms and conditions hereinafter named the following-described property, known as the Indian school, lot 4, block 50, Randlett town site, former Uintah Indian Reservation, including the land, buildings, and fixtures pertaining to said school: Provided, That said land and buildings shall be held and maintained by the State of Utah as an institution of learning, and that Indian pupils may at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: Provided further, That this grant shall be effective at any time before July 1, 1911, if before that date the governor of Utah files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.*

(76) *That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to cause patents to issue to all persons who have heretofore made settlement in good faith and for their own use and benefit on the unallotted agricultural lands in the Uintah Indian Reservation under the act of Congress approved May 27, 1902, and acts supplementary thereto, and who also have undertaken to maintain continuous residence thereon for one year, but have been prevented through lack of water, upon the payment of $1.25 per acre for said lands.*

(77) *To enable the Secretary of the Interior to construct a bridge each across the Duchesne River and the Strawberry River at or near Theodore, Utah, $25,000 in all, or so much thereof as may be necessary.*

VIRGINIA.

SEC. 22. For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

WASHINGTON.

SEC. 23. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, $7,000.

For support and civilization of the Makahs, Washington, including pay of employees, $2,000.

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, $1,000.

and for necessary expense of transporting insane Indians to and from said asylum, $30,000.

That section 8 of an act entitled "An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect," approved May 27, 1910, is hereby amended so as to read as follows:

"Sec. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections, or parts thereof, are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or within the said Pine Ridge Indian Reservation, to locate other lands not otherwise appropriated, not exceeding 2 sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

That section 8 of an act entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved May 30, 1910, is hereby amended so as to read as follows:

"Sec. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections or parts thereof are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or within the said Rosebud Indian Reservation, to locate other lands not otherwise appropriated, not exceeding 2 sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

That the time in which the commission appointed to inspect, classify, and appraise the unallotted lands in the counties of Mellette and Washabaugh, in the Rosebud Indian Reservation in the State of South Dakota, under an act entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved May 30, 1910, be, and the same is hereby, extended to the 1st day of June, 1911, to complete and return the same.

UTAH.

SEC. 21. For pay of Indian agent at the Uintah and Ouray Agency (consolidated), Utah, $1,800.

For support of Confederated Bands of Utes in Utah: For pay of 2 carpenters, 2 millers, 2 farmers, and 2 blacksmiths (article 15, treaty of March 2, 1868), $6,720; for pay of 2 teachers (same article and treaty), $1,800; for purchase of iron and steel and the necessary tools for blacksmith shop (article 9, same treaty), $220; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food (article 12, same treaty), $30,000; for pay of employees at the several Ute agencies, $15,000; in all, $53,740.

For the relief of distress among the Indians of Skull Valley and Deep Creek, and other detached Indians in Utah, and for purposes of their civilization, $10,000, or so much thereof as may be necessary, to be immediately available, and the Secretary of the Interior shall report to Congress, at its next session, the condition of the Indians herein appropriated for and the manner in which this appropriation shall have been expended.

For continuing the construction of irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, authorized under the act of June 21, 1906, to be expended under the terms thereof and reimbursable as therein provided, $75,000.

There is hereby granted to the State of Utah upon the terms and conditions hereinafter named the following-described property, known as the Indian school, lot 4, block 50, Randlett town site, former Uintah Indian Reservation, including the land, buildings, and fixtures pertaining to said school: Provided, That said land and buildings shall be held and maintained by the State of Utah as an institution of learning, and that Indian pupils may at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: Provided further, That this grant shall be effective at any time before July 1, 1911, if before that date the governor of Utah files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

(Amendment No. 76 has been disagreed to and is still subject to conference.)

To enable the Secretary of the Interior to construct a bridge across the Duchesne River at or near Theodore, Utah, $15,000, or so much thereof as may be necessary, to be reimbursed to the United States out of the proceeds of the sale of lands within the ceded Uintah Indian Reservation open to entry under the act of May 27, 1902, including the sales of lots within the said town site of Theodore.

VIRGINIA.

SEC. 22. For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

WASHINGTON.

SEC. 23. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, $7,000.

For support and civilization of the Makahs, Washington, including pay of employees, $2,000.

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, $1,000.

For support and civilization of Yakimas and other Indians at said agency, including pay of employees, $3,000.

For support and civilization of Indians at Colville and Puyallup agencies, Washington, and for pay of employees, $12,000.

For support of Spokanes in Washington (article 6 of agreement with said Indians, dated March 18, 1887, ratified by act of July 13, 1892), $1,000.

(78) *For support and education of Indian pupils, including native pupils brought from Alaska, at the Cushman Indian School, at Tacoma, Wash., and for the pay of superintendent, $70,000.*

(79) *For construction of brick pavement, concrete curbing, and sidewalks on South Twenty-eighth Street in front of the Cushman School grounds at Tacoma, Wash., and in front of tract No. 22, also belonging to the school, $40,000.*

For purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, $1,000.

For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, $15,000 (80): *Provided, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the provisions of the act of March 1, 1907.*

(81) *For the construction and improvement of wagon roads on the Yakima Indian Reservation, $100,000, to be reimbursable out of the proceeds from sales of surplus lands of said reservation.*

For the fifth and last installment to the Indians on the Colville Reservation, Wash., for the cession of land opened to settlement by the act of July 1, 1892, "To provide for the opening of a part of the Colville Reservation in the State of Washington, and for other purposes," being a part of the full sum set aside and held in the Treasury of the United States in payment for said land under the terms of the Act of June 21, 1906, ratifying the agreement ceding said land to the United States under date of May 9, 1891, (82) [three] *two* hundred thousand dollars, to be expended for the benefit of said Indians in accordance with the provisions of the said act setting aside in the Treasury the money in payment for the land ceded.

(83) *The Secretary of the Interior is authorized to sell and convey the lands, buildings, and other appurtenances of the old Fort Spokane Military Reservation, now used for Indian school purposes, and adjoining the Colville Reservation, in the State of Washington, containing approximately 640 acres, and to use the proceeds thereof in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians in said State: Provided, That the Secretary of the Interior is authorized in his discretion to reserve from sale or other disposition any part of said reservation chiefly valuable for power sites and reservoir sites and land valuable for minerals: Provided further, That in the case of land reserved on account of minerals, the Secretary of the Interior may sell the surface under such regulations as he may prescribe: Provided further, That, in the discretion of the Secretary of the Interior, the surface of the lands may be sold separate from any minerals that may be found thereunder.*

The Secretary of the Interior shall report to Congress at its next session his action in the premises.

(84) *For improvements and general repairs to the Cushman Indian School, at Tacoma, Wash., to be immediately available and to be reimbursable from the "Puyallup 4 per cent school fund," in amounts payable each year equal to one-tenth of the principal of said "Puyallup 4 per cent school fund," $75,000.*

WISCONSIN.

(85) [SEC. 24. For care of buildings, including pay of employees, at the Indian school at Hawyard, Wis., $2,000.]

SEC. 24. For the support and education of 210 Indian pupils at the Indian school at Hayward, Wis., and pay of superintendent, $36,670; for general repairs and improvements, $2,000; in all, $38,670.

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., and for pay of superintendent, $43,450; (86) *for heating plant and ventilating system, $3,500;* for general repairs and improvements, $3,000; in all, (87) [forty-six thousand four hundred and fifty] *forty-nine thousand nine hundred and fifty* dollars.

For support and civilization of the Chippewas of Lake Superior, Wis., $7,000.

The appropriation of $25,000 "for support, education, and civilization of the Pottowatomie Indians who reside in the State of Wisconsin and to investigate their condition," made in the Indian appropriation act for the fiscal year 1911, shall remain available until expended.

WYOMING.

SEC. 25. For support and civilization of Shoshone Indians in Wyoming, $12,000.

For support and education of 175 Indian pupils at the Indian school, Shoshone Reservation, Wyo., and for pay of superintendent, $31,025; for general repairs and improvements, $3,000; in all, $34,025.

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, $50,000.

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of July 3, 1868), $5,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article 8, same treaty, $1,000; in all, $6,000.

(88) [SEC. 26. The agreement concluded January 4, 1909, with the Oneida Tribe of Indians of Wisconsin, as evidenced by the original papers on file in the Office of Indian Affairs and the copies thereof transmitted to Congress by the President and contained in Senate Document No. 358, Sixty-first Congress, second session, for the commutation of their perpetual annuities under treaty stipulations, made in pursuance of a provision of the act of April 30, 1908, authorizing the Commissioner of Indian Affairs, subject to the approval of Congress, to negotiate with any Indian tribe for the commutation of perpetual annuities due under treaty stipulations, is hereby ratified and confirmed.

And the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the said tribe the sum of $20,000, said sum being a capitalization of the perpetual annuities of said tribe, on the basis of 5 per cent, and the same having been accepted by said tribe in the agreement heretofore mentioned in lieu of and as a commutation of said perpetual annuities.

And the Secretary of the Interior is authorized to withdraw said funds from the Treasury for payment to said Indians, or expenditure for their benefit, at such times and in such manner as he may deem proper and under such regulations as he may prescribe.

The sum placed to the credit of the said tribe, less disbursements therefrom as provided for herein, shall draw interest at the rate of five

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For support and civilization of Indians at Colville and Puyallup agencies, Washington, and for pay of employees, $12,000.

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For construction of brick pavement, concrete curbing, and sidewalks on South Twenty-eighth Street in front of the Cushman School grounds at Tacoma, Wash., and in front of tract No. 22, also belonging to the school, $40,000, to be reimbursable from the Puyallup 4 per cent school fund.

For purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, $1,000.

For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, $15,000: *Provided, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the povisions of the act of March 1, 1907.*

The Secretary of the Interior is hereby authorized to investigate and to report to Congress at its next session the necessity or advisability of constructing wagon roads on the Yakima Indian Reservation, the cost thereof to be reimbursed out of the proceeds of the sale of surplus lands of such reservation. If he shall find the construction of such roads to be necessary or advisable, he shall submit specific recommendations in respect to the kind of roads to be constructed, their location and extent, together with an estimate of cost for the same.

(Amendment No. 82 has been disagreed to and is still subject to conference.)

The Secretary of the Interior is authorized to sell and convey the lands, buildings, and other appurtenances of the old Fort Spokane Military Reservation, now used for Indian school purposes, and adjoining the Colville Reservation, in the State of Washington, containing approximately 640 acres, and to use the proceeds thereof, not to exceed $35,000, in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians in said State: Provided, That the Secretary of the Interior is authorized in his discretion to reserve from sale or other disposition any part of said reservation chiefly valuable for power sites and reservoir sites and land valuable for minerals: Provided further, That in the case of land reserved on account of minerals, the Secretary of the Interior may sell the surface under such regulations as he may prescribe: Provided further, That, in the discretion of the Secretary of the Interior, the surface of the lands may be sold separate from any minerals that may be found thereunder.

The Secretary of the Interior shall report to Congress at its next session his action in the premises.

WISCONSIN.

[SEC. 24. For care of buildings, including pay of employees, at the Indian school at Hayward, Wis., $2,000.]

SEC. 24. For the support and education of 210 Indian pupils at the Indian school at Hayward, Wis., and pay of superintendent, $36,670; for general repairs and improvements, $2,000; in all, $38,670.

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., and for pay of superintendent, $43,450; *for heating plant and ventilating system, $3,500;* for general repairs and improvements, $3,000; in all, [forty-six thousand four hundred and fifty] *forty-nine thousand nine hundred and fifty* dollars.

For support and civilization of the Chippewas of Lake Superior, Wis., $7,000.

The appropriation of $25,000 "for support, education, and civilization of the Pottowatomie Indians who reside in the State of Wisconsin and to investigate their condition," made in the Indian appropriation act for the fiscal year 1911, shall remain available until expended.

WYOMING.

SEC. 25. For support and civilization of Shoshone Indians in Wyoming, $12,000.

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For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, $50,000.

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of July 3, 1868), $5,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article 8, same treaty, $1,000; in all, $6,000.

[SEC. 26. The agreement concluded January 4, 1909, with the Oneida Tribe of Indians of Wisconsin, as evidenced by the original papers on file in the Office of Indian Affairs and the copies thereof transmitted to Congress by the President and contained in Senate Document No. 358, Sixty-first Congress, second session, for the commutation of their perpetual annuities under treaty stipulations, made in pursuance of a provision of the act of April 30, 1908, authorizing the Commissioner of Indian Affairs, subject to the approval of Congress, to negotiate with any Indian tribe for the commutation of perpetual annuities due under treaty stipulations, is hereby ratified and confirmed.

And the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the said tribe the sum of $20,000, said sum being a capitalization of the perpetual annuities of said tribe, on the basis of 5 per cent, and the same having been accepted by said tribe in the agreement heretofore mentioned in lieu of and as a commutation of said perpetual annuities.

And the Secretary of the Interior is authorized to withdraw said funds from the Treasury for payment to said Indians, or expenditure for their benefit, at such times and in such manner as he may deem proper and under such regulations as he may prescribe.

The sum placed to the credit of the said tribe, less disbursements therefrom as provided for herein, shall draw interest at the rate of five

per centum per annum; and the interest accruing on said principal sum may, in the discretion of the Secretary of the Interior, be paid in cash to the Indians entitled thereto annually or semiannually, or expended for their benefit in such manner and under such regulations as he may prescribe.]

Sec. 26. That upon the passage of this act the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be cut and manufactured into lumber the dead and down timber upon the Menominee Indian Reservation in the State of Wisconsin together with such green timber as may be necessary to cut in order to economically log the dead and down timber, such green timber to be designated and marked by the Forestry Service. For the cutting of such dead and down timber the Secretary of the Interior shall prescribe rules and regulations in conformity with the intent and purpose of the act of March 28, 1908, entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests upon the Menominee Indian Reservation in the State of Wisconsin." The amount of dead and down timber authorized to be cut under this section shall be in addition to the amount of green timber authorized to be cut, in any one year, under the provisions of said act of March 28, 1908. The green timber authorized to be cut under this section to facilitate the logging of dead and down timber, and which shall be cut in any one year, shall be deducted from the amount of green timber authorized to be cut in that year under the provisions of said act of March 28, 1908. The total amount of green and dead and down timber which shall be logged under the provisions of this section and the provisions of said act of March 28, 1908, shall not exceed 40,000,000 feet in any one year unless the Forestry Service shall certify to the Secretary of the Interior that it is necessary, to save waste and loss on dead and down timber, that a greater amount of such dead and down timber shall be cut; in making such certification the Forestry Service shall designate the additional dead and down timber it deems necessary to cut and such designated timber shall be logged as expeditiously as possible. In the logging operations authorized under this section the Secretary of the Interior may cause to be constructed such roads or logging railway as may be necessary to bring the logs to the mill with expedition and economy. The expense of the logging operations authorized under this section shall be paid in the manner provided in said act of March 28, 1908, authorizing the cutting of timber and the manufacture of lumber upon the Menominee Indian Reservation in the State of Wisconsin.

SEC. 27. Annually, on the first Monday in December, the Secretary of the Interior shall transmit to the Speaker of the House of Representatives a statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from either public or tribal funds shall have been made by any officer, clerk, or employee in the Interior Department during the preceding fiscal year; and such statement shall show (1) the total amount of all moneys, from whatever source derived, standing to the credit of each tribe of Indians, in trust or otherwise, at the close of such fiscal year; (2) an analysis of such credits, by funds, showing how and when they were created, whether by treaty stipulation, agreement, or otherwise; (3) the total amount of disbursements from public or trust funds made on account of each tribe of Indians for such fiscal year; and (4) an analysis of such disbursements showing the amounts disbursed (a) for per capita payments in money to Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney's fees, and (d) for support and civilization.

(89) *Sec. 28. Hereafter payments to Indians made from moneys appropriated by Congress in satisfaction of the judgment of any court shall be made under the direction of the officers of the Interior Department charged by law with the supervision of Indian affairs, and all such payments shall be accounted for to the Treasury in conformity with law.*

per centum per annum; and the interest accruing on said principal sum may, in the discretion of the Secretary of the Interior, be paid in cash to the Indians entitled thereto annually or semiannually, or expended for their benefit in such manner and under such regulations as he may prescribe.]

Sec. 26. That upon the passage of this act the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be cut and manufactured into lumber the dead and down timber now upon the Menominee Indian Reservation in the State of Wisconsin together with such green timber as may be necessary to cut in order to economically log the dead and down timber, such green timber to be designated and marked by the Forestry Service. For the cutting of such dead and down timber the Secretary of the Interior shall prescribe rules and regulations in conformity with the intent and purpose of the act of March 28, 1908, entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests upon the Menominee Indian Reservation in the State of Wisconsin." The amount of dead and down timber authorized to be cut under this section shall be in addition to the amount of green timber authorized to be cut, in any one year, under the provisions of said act of March 28, 1908. The green timber authorized to be cut under this section to facilitate the logging of dead and down timber, and which shall be cut in any one year, shall be deducted from the amount of green timber authorized to be cut in that year under the provisions of said act of March 28, 1908. The total amount of green and dead and down timber which shall be logged under the provisions of this section and the provisions of said act of March 28, 1908, shall not exceed 40,000,000 feet unless the Forestry Service shall certify to the Secretary of the Interior that it is necessary, to save waste and loss on dead and down timber, that a greater amount of such dead and down timber shall be cut; in making such certification the Forestry Service shall designate the additional dead and down timber it deems necessary to cut and such designated timber shall be logged as expeditiously as possible. In the logging operations authorized under this section the Secretary of the Interior may cause to be constructed such roads or logging railway as may be necessary to bring the logs to the mill with expedition and economy. The expense of the logging operations authorized under this section shall be paid in the manner provided in said act of March 28, 1908, authorizing the cutting of timber and the manufacture of lumber upon the Menominee Indian Reservation in the State of Wisconsin.

The Commissioner of Indian Affairs is hereby directed to reopen negotiations with the Oneida Indians of Wisconsin for the commutation of their perpetual annuities under treaty stipulations and report the same to Congress on the first Monday in December, 1911.

SEC. 27. Annually, on the first Monday in December, the Secretary of the Interior shall transmit to the Speaker of the House of Representatives a statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from either public or tribal funds shall have been made by any officer, clerk, or employee in the Interior Department during the preceding fiscal year; and such statement shall show (1) the total amount of all moneys, from whatever source derived, standing to the credit of each tribe of Indians, in trust or otherwise, at the close of such fiscal year; (2) an analysis of such credits, by funds, showing how and when they were created, whether by treaty stipulation, agreement, or otherwise; (3) the total amount of disbursements from public or trust funds made on account of each tribe of Indians for such fiscal year; and (4) an analysis of such disbursements showing the amounts disbursed (a) for per capita payments in money to Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney's fees, and (d) for support and civilization.

Sec. 28. Hereafter payments to Indians made from moneys appropriated by Congress in satisfaction of the judgment of any court shall be made under the direction of the officers of the Interior Department charged by law with the supervision of Indian affairs, and all such payments shall be accounted for to the Treasury in conformity with law.

FORT D. A. RUSSELL MILITARY RESERVATION.

Mr. COOPER of Wisconsin. Mr. Speaker, I was not mistaken as to the character of this bill.

Mr. HULL of Iowa. Mr. Speaker, how much time have I at my disposal to yield to the gentleman? How much time does the gentleman want?

Mr. COOPER of Wisconsin. Five minutes.

Mr. HULL of Iowa. Then, Mr. Speaker, I yield five minutes to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, I was absolutely right in my remarks concerning the contents of this bill when it was first brought before the House. It is true, technically speaking, that the original bill appeared first in the Senate, and did not then contain the proviso; but it is true also that the original Senate bill, when it first came before the House for consideration, did contain the proviso reserving to the Secretary of War the power, in his discretion, to revoke the so-called license.

It was a Senate bill, with that proviso added as an amendment after it came to the House by the committee of which the gentleman from Iowa [Mr. HULL] himself is chairman.

Now, the bill, line 6, page 1, provides that—

The Colorado Railroad Co. is hereby authorized to build a line of railroad, etc.

The word "authorized" is used. The language might be construed as a license, it being a mere authorization to construct a railroad line on the military reservation. But near the end of the bill, on page 3, are these words:

Saving and excepting therefrom that portion of said strip of land hereinbefore, in section 1 of this act, described as granted to the rail-railroad, etc.

But nowhere before in the bill is any land described as granted to the railroad company.

The amendment, which the gentleman from Iowa himself reported, was the proviso, and I was exactly right when I said that it gave to the Secretary of War the power at any time to revoke the license.

But it was not a license. The original bill with the proviso, if enacted into law, would have made a grant in fee. This contradiction was called to the attention of the House, and I moved an amendment reserving to Congress the right to alter, amend, or repeal the act—the customary reservation in bills of this sort. The gentleman from Iowa [Mr. HULL] said that he was glad to accept the amendment, as did the gentleman from Wyoming [Mr. MONDELL]. So also, in an undertone, did the gentleman from Illinois [Mr. MANN]. He said that such a reservation ought to be in the bill.

The House promptly adopted the amendment without an objection.

But now these gentlemen declare that they are opposed to having Congress, by this bill, reserve to itself the customary right to alter, amend, or repeal.

Mr. MONDELL. Will the gentleman yield to me?

Mr. COOPER of Wisconsin. They desire this to be an absolute grant. Perhaps no great wrong will be done in this particular case, but it will establish a very bad precedent. Hereafter bills will be brought in without the heretofore usual reservation of the right to alter, amend, or repeal. Absolute grants will be given to railroad companies or other corporations to construct works upon Government reservations, and, as an excuse, the claim will be made, as it is here being made, that the land to be given away is not worth much. This precedent will be cited in support of demands for absolute grants in fee.

Mr. MONDELL. Will the gentleman yield to me just to ask him a question?

The SPEAKER. The time of the gentleman has expired.

Mr. HULL of Iowa. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the gentleman from Wisconsin is entirely mistaken as to the bill. His statement a moment ago

was that the original bill contained a provision authorizing the Secretary of War to revoke the license.

Mr. COOPER of Wisconsin. I have just explained that the original bill was a Senate bill.

Mr. MANN. Will the gentleman permit me to occupy two minutes? That was his statement a moment ago. I call his attention to the fact that I hold the original bill in my hand, and that no such provision was in the original bill.

Mr. COOPER of Wisconsin. That is begging the question.

Mr. MANN. The gentleman from Wisconsin says that that is begging the question, but that is the fact. His argument, in the first place, was that the railroad company had itself proposed that they give to the Secretary of War authority to revoke the license and was seeking to eliminate that from the bill. That was his position. He was mistaken about that. The provision to which he refers was an amendment offered and agreed to in the House, and not in the original bill. Whether it ought to be in is another question, but it could not be charged that the company itself is seeking to obtain a permit giving authority to revoke the license, and that is the only point I wish to call to the attention of the gentleman from Wisconsin.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the gentleman from Wisconsin seems to be under the impression that I agreed to the amendment. I certainly did not, further than that as the bill was up for consideration by unanimous consent I had no option in the matter. I want to call the attention of the House to the fact that this grant, except for less than one-eighth of an acre, is for a county road; that it is not through the military reservation, but along the edge of the military reservation. It is a grant of less than one-eighth of an acre to the railroad company on a little narrow triangle which runs down from the reservation, which has never been occupied for military purposes and can not be occupied for military purposes.

The railroad track does not run on the reservation, but they have to have an embankment on the curve, and it is necessary to give the railroad company one-eighth of an acre for the fill of their embankment. The track is entirely off the reservation. It is necessary to have this county road in order to connect the railroad with the reservation for the benefit of the reservation as well as for the benefit of the citizens. The very small portion that the railroad company receives is but a fragment and upon a triangle far removed from the military use.

Mr. COOPER of Wisconsin. If the gentleman were content to have that proviso reported by the gentleman from Iowa himself calling it a license, and for the Secretary of War, in his discretion, to revoke the license, if the gentleman from Iowa reported that, and was willing to call it a license, and have it revoked at the discretion of the Secretary of War, why do they now insist on striking it out and making it an absolute grant?

Mr. MONDELL. It was a grant in the original bill, although the word "license" may have been used at one point. It was a clear grant, and it ought to be a clear grant, because, with the exception of less than one-eighth of an acre, it is a grant for public purposes, and, as I say, this one-eighth of an acre is far removed from that part of the reservation that can ever be used for military purposes.

Mr. HULL of Iowa. Mr. Speaker, the Committee on Military Affairs did report the amendment to which the gentleman from Wisconsin refers, and has always tried to guard these grants in every way possible. The Committee on Military Affairs afterwards came into more information as to all that was required in this case, and made it without any division of sentiment, and were satisfied that no harm could come to the Government by making this in the form that it will be by eliminating our own amendment.

There are 7 acres of this that goes to the people for a public highway, and less than an acre goes to the railroad to enable them to make a curve without throwing their line out of the regular survey. None of it is worth anything to the country as a military reservation, and to make this grant to the people for a public highway and to the railway can not be injurious to the people of the country.

Mr. Speaker, my general experience has been that whenever a reservation is near a city in any part of the country and they want a road in it they get the Government to build all the roads on the reservation on the theory that it is Government ground. It seems to me that we can well afford to encourage these people who are willing to go to the expense of building their own roads across this reservation by ceding this land to them for that purpose.

Mr. Speaker, I move the previous question on the adoption of the report.

The previous question was ordered.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Coggeshall, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 9904. An act granting certain rights of way on the Fort D. A. Russell Military Reservation, at Cheyenne, Wyo., for railroad and county-road purposes; and

S. 9903. An act to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 17433. An act amending section 1709 of the Revised Statutes of the United States;

H. R. 29857. An act to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chapter 108 of an act approved May 28, 1880, page 145, volume 21, United States Statutes at Large;

H. R. 28626. An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes;

H. R. 32082. An act limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths; and

H. R. 31806. An act to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10890. An act for the payment of certain claims for damages to and loss of private property.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

ORGANIZED MILITIA.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report (No. 2275) from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 1001, in lieu of House resolution 978.

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider the bill (H. R. 28436) to further increase the efficiency of the Organized Militia, and for other purposes with the following amendments:

Page 1, line 10, strike out the words "or may be hereafter;" page 2, line 22, strike out the words "or may be hereafter;" page 3, strike out lines 23, 24, and 25, and on page 4 strike out, in line 1, the words "otherwise appropriated: *Provided;*" page 4, line 14, after the word "trial," insert the following words, "on the charge of desertion," and in line 16 strike out the following words, "shall be adjudged guilty of the crime of desertion and," and add a new section, No. 6: "The Secretary of War shall annually estimate the amount necessary for the carrying out of this act, and no money shall be expended hereunder, except as it shall from time to time be appropriated; that there shall be not to exceed one hour's general debate; that at the conclusion of the general debate the bill shall be read for amendments; and that at the conclusion of the reading of the bill under the five-minute rule the previous question shall be considered as ordered on the bill and all amendments thereto to its final passage."

Mr. CLARK of Missouri. Mr. Speaker, I will ask the gentleman how much time he will occupy.

Mr. DALZELL. I shall occupy only two or three minutes, and then I will yield to the gentleman.

Mr. CLARK of Missouri. How much time will the gentleman give me?

Mr. DALZELL. As much as I occupy myself.

Mr. CLARK of Missouri. But I want 30 minutes.

Mr. DALZELL. Then, I will yield the gentleman 30 minutes.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman from Pennsylvania whether the House will proceed immediately upon the adoption of this rule to the consideration of the militia bill.

Mr. DALZELL. That is the purpose.

Mr. TAWNEY. I will ask the gentleman to withhold that.

Mr. DALZELL. I would like to say to the House that I know of no person on this side of the House who wants to indulge in oratory. I do not propose to speak more than two or three minutes, and when I said the gentleman from Missouri should have 30 minutes it was in my mind that 30 minutes would exhaust the debate, because there is nobody on this side who wants to talk.

The SPEAKER. As the Chair listened to the rule, it provides for the consideration of this bill, without limit, under the five-minute rule in the House or in Committee of the Whole. The Chair desires to call attention to the fact that the deficiency bill is not yet passed. Would the gentleman from Pennsylvania be willing to withhold his report for the present until the deficiency bill is disposed of?

Mr. DALZELL. Why, Mr. Speaker, I will do so, but I think there is a misapprehension as to the time this is going to take.

The SPEAKER. Well, it takes time under the rule, without limit.

Mr. DALZELL. Oh, no; the Chair is mistaken.

Mr. HULL of Iowa. There is one hour of general debate provided for.

Mr. DALZELL. The question now is on the adoption of the rule, not on the discussion of the bill.

Mr. FITZGERALD. There is opposition to this rule, and Members wish to be heard so that they may state their objections to the adoption of the rule as well as to the passage of the bill.

The SPEAKER. Does the rule provide that we shall take it up immediately on the adoption of the rule?

Mr. DALZELL. It does.

The SPEAKER. Would that not hold the floor?

Mr. DALZELL. It would until it is disposed of.

The SPEAKER. And there is no limit for its disposition under the five-minute rule, is there?

Mr. CLARK of Missouri. I think we can make an agreement about that.

Mr. DALZELL. Mr. Speaker, if the Speaker will recognize me after the disposition of the general deficiency bill to present this rule, I will give way for the present.

The SPEAKER. The gentleman from Pennsylvania withdraws his report for the present.

GENERAL DEFICIENCY APROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 32957) making appropriations to supply deficiencies in appropriations for the fiscal year 1911 and for prior years, and for other purposes, and that the rules be suspended and the bill passed with two amendments, which I send to the Clerk's desk.

Mr. COX of Indiana. Mr. Speaker, I demand a second.

The SPEAKER. The motion is to suspend the rules, to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill, and pass the same——

Mr. TAWNEY. With two amendments which accompany the bill.

Mr. THOMAS of North Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS of North Carolina. Will the bill be read?

The SPEAKER. Under the form of the motion it would be unless its reading was dispensed with by unanimous consent.

Mr. THOMAS of North Carolina. Will it be subject to points of order?

The SPEAKER. It will not.

Mr. THOMAS of North Carolina. I reserve all points of order——

Mr. MANN. You can not.

The SPEAKER. All points of order were reserved when the bill went to the Committee of the Whole House on the state of the Union. This is a motion to suspend all rules and pass this bill.

Mr. SIMS. Does the first reading take place before the motion or after it?

The SPEAKER. Oh, the first reading of the bill under this motion would be before the adoption of the rule disposing of it.

Mr. SIMS. Before the motion is acted upon. Then I demand the first reading of the bill.

Mr. MANN. There is no first reading; it is simply read.

The SPEAKER. It will simply be read, unless its reading be dispensed with by unanimous consent.

Mr. COX of Indiana. Mr. Speaker, I want to demand a second on the request of the gentleman from Minnesota to suspend the rules.

The SPEAKER. The Clerk will read the bill, with the proposed amendments.

The Clerk began the reading of the bill.

The SPEAKER. The Chair calls attention to the fact that it will take about an hour to an hour and 20 minutes to read the bill. The Clerk will proceed with the reading.

The Clerk proceeded with the further reading of the bill.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to dispense with the further reading of the bill.

The SPEAKER pro tempore (Mr. KENDALL). The gentleman from Minnesota asks unanimous consent to dispense with the further reading of the bill. Is there objection?

Mr. THOMAS of North Carolina. Mr. Speaker, I object.

The Clerk proceeded with the further reading of the bill.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent to dispense with the further reading of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COX of Indiana. Mr. Speaker, I object.

The Clerk proceeded with the further reading of the bill to page 14, line 19——

Mr. GREENE. Mr. Speaker, I make the point of order on page 14, from line 19 down to and including line 25.

The SPEAKER pro tempore. The Chair thinks a point of order can not be entertained at this time, and the Clerk will read.

The Clerk proceeded with the further reading of the bill.

Mr. MOORE of Pennsylvania rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. Mr. Speaker, to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to know whether under the present method of procedure it would be in order to move to strike out or in any way discuss any paragraph of the bill.

The SPEAKER pro tempore. The Chair thinks the bill is now being read for the information of the House to enable the membership to determine whether they will support the motion of the gentleman from Minnesota to suspend the rules and place the bill upon its passage with two amendments, and the Chair thinks, therefore, that a motion to strike out or a point of order against any provision would not be in order.

Mr. MOORE of Pennsylvania. Then the motion of a Member who desires to offer an amendment, or a motion of a Member who desires to strike out any given paragraph would not be in order until the bill is read.

The SPEAKER pro tempore. Or any other time, is the Chair's opinion on the subject.

Mr. THOMAS of North Carolina. Mr. Speaker, another parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS of North Carolina. When the Clerk finishes the reading of the bill, if the motion of the gentleman from Minnesota to suspend the rules and pass the bill be adopted, will there be any opportunity then to amend or make points of order?

The SPEAKER pro tempore. The Chair thinks not.

Mr. THOMAS of North Carolina. The motion would have to be voted down in order to amend the bill or to make any point of order on the bill.

The SPEAKER pro tempore. That is the opinion of the present occupant of the chair.

The Clerk proceeded with the further reading of the bill.

Mr. SIMS rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SIMS. Mr. Speaker, there is an important bill being read, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and ninety-four Members are present, a quorum, and the Clerk will read.

The Clerk proceeded with the further reading of the bill.

Mr. SIMS. Mr. Speaker, there is no quorum present, and therefore I make a point of no quorum.

The SPEAKER pro tempore. The gentleman from Tennessee makes the point that no quorum is present. The Chair will count. [After counting.] There are 114 Members present, not a quorum.

Mr. MANN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The doors will be closed, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ames	Flood, Va.	Legare	Rhinock
Ashbrook	Foelker	Lindsay	Richardson
Barclay	Fordney	Lively	Robinson
Bartlett, Nev.	Fowler	Loudenslager	Rodenberg
Bates	Fuller	McCredie	Rothermel
Bennett, Ky.	Gallagher	McDermott	Sabath
Bingham	Gardner, Mich.	McGuire, Okla.	Scott
Boehne	Garner, Pa.	McKinlay, Cal.	Sharp
Bowers	Gill, Md.	McLachlan, Cal.	Sherley
Broussard	Gill, Mo.	McMorran	Simmons
Burnett	Godwin	Maynard	Small
Byrd	Goebel	Mays	Smith, Cal.
Calderhead	Goldfogle	Millington	Southwick
Campbell	Goulden	Moore, Tex.	Sparkman
Capron	Haugen	Morehead	Spight
Carlin	Havens	Morgan, Okla.	Sterling
Cary	Hayes	Moxley	Sturgiss
Clark, Fla.	Heald	Mudd	Swasey
Cline	Hill	Murdock	Taylor, Colo.
Cooper, Wis.	Hinshaw	Murphy	Thistlewood
Coudrey	Hitchcock	Needham	Thomas, Ky.
Cowles	Howell, Utah	O'Connell	Tou Velle
Craig	Huff	Olcott	Townsend
Cravens	Hughes, W. Va.	Patterson	Volstead
Dawson	Jones	Payne	Wallace
Denby	Kahn	Pearre	Wanger
Driscoll, M. E.	Kennedy, Ohio	Plumley	Weisse
Dupre	Kinkaid, Nebr.	Poindexter	Wickliffe
Ellis	Korbly	Prince	Wiley
Elvins	Kronmiller	Pujo	Willett
Englebright	Küstermann	Rainey	Wood, N. J.
Estopinal	Langham	Ransdell, La.	Woods, Iowa
Fairchild	Latta	Reeder	Woodyard
Ferris	Law	Reid	Young, Mich.

The SPEAKER pro tempore. The roll call discloses the presence of 264 Members of the House—a quorum.

Mr. STAFFORD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors, and the Clerk will proceed with the reading of the bill.

The Clerk proceeded with the reading of the bill.

When the Clerk had read to line 5, page 60,

Mr. MOORE of Pennsylvania rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To make a request for unanimous consent. I would like to print in the RECORD some remarks on the use of barges.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to print remarks in the RECORD. Is there objection. [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Speaker, I ask leave to withdraw my former motion to suspend the rules and pass the bill with the amendments that I sent to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota withdraws his motion.

Mr. TAWNEY. I desire, Mr. Speaker, now to renew the motion to discharge the Committee of the Whole House on the state of the Union from the further consideration of House bill 32957, making appropriations to supply deficiencies in appropriations for the fiscal year 1911 and for prior years, and for other purposes; to suspend the rules and pass the bill without reading, with the amendments that I have sent to the Clerk's desk, together with two additional amendments, which are—

Strike out, on page 14, line 19, and the top of page 15, down to and including line 10.

Also strike out lines 15 and 16 on page 72.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill, H. R. 32957, and dispense with the reading of the bill; to suspend the rules and pass the bill with the following amendments, which the Clerk will report.

Mr. TAWNEY. The first amendment should read "down to and including line 12," instead of "line 10, on page 15."

The Clerk reported the first amendment.

Mr. TAWNEY. The next is on page 72.

The Clerk reported the next amendment.

The SPEAKER. Were those the amendments that were reported in the first reading?

Mr. TAWNEY. That amendment was withdrawn. There are now two other amendments.

The Clerk read the remaining two amendments.

Mr. COX of Indiana. Mr. Speaker, I demand a second.

The SPEAKER. Is any member of the Committee on Appropriations opposed to this bill?

Mr. LIVINGSTON. I am not opposed to the bill, but I demand a second.

The SPEAKER. In the absence of any member of the Committee on Appropriations demanding a second, the Chair recognizes the gentleman from Indiana [Mr. Cox], who demands a second. Under the rules a second is ordered. The gentleman from Minnesota [Mr. TAWNEY] is entitled to 20 minutes and the gentleman from Indiana [Mr. Cox] is entitled to 20 minutes.

Mr. TAWNEY. Mr. Speaker, I shall not take very much time in stating the appropriating provisions carried in this bill. I want to call attention, however, to the fact that the aggregate amount carried in it is $8,060,126.36. That covers the deficiencies for the fiscal year 1911. It also includes a considerable amount that is not deficiencies. If gentlemen will read the report accompanying the bill, they will find that there is $758,888 of that amount in judgments of the United States courts, the Court of Claims, and audited accounts.

In addition to that we have one deficiency in the appropriation for the payment of pensions of $2,500,000. That deficiency, added to the judgments and audited accounts, makes the aggregate $3,258,888, leaving only a little over $4,000,000 of actual deficiencies, and in the statement of $4,000,000 of actual deficiencies is included a few small and new items.

Mr. BARTLETT of Georgia. I note on page 62, in line 20—

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $20,000.

Is the gentleman informed that that will not pay the expenses of those committees whose expenses have been ordered by the House?

Mr. TAWNEY. I will say to the gentleman from Georgia that the information which the committee had when this bill was prepared was that $20,000 would be all that was necessary. I understand that since that time there have been very heavy drafts on this miscellaneous appropriation that will have to be made up by increasing this amount; but I suggest to the gentleman from Georgia that the Chief Clerk of the House will not be able to give complete information as to the exact amount that will be required to meet all of the demands upon this appropriation, and that if the item goes through as we have reported it I will obtain from the Chief Clerk at the latest possible moment the information as to the exact amount and have that incorporated as an amendment at the other end of the Capitol.

Mr. BARTLETT of Georgia. That is satisfactory. Will the gentleman allow me to say that at a meeting of the Committee on Accounts to-day we had to audit nearly $4,000 of expenses for one investigating committee, and we know that others have been estimated for, and unless we are mistaken as to the estimates that have been sent in, in addition to those we have already approved, I know this amount will not be sufficient?

Mr. TAWNEY. I think the gentleman is entirely correct, and I will say that that will be taken care of before this bill becomes a law.

Mr. Speaker, this showing as to the aggregate deficiency appropriation for the fiscal year 1911 is very gratifying to me and, I think, to the House, in view of what these deficiencies were in previous years, or prior to the amendment of the anti-deficiency law at the beginning of the Fifty-ninth Congress. At that time the departments of the Government fixed the standard of public expenditures, and our deficiencies mounted up to as high as $30,000,000 or $35,000,000 annually; but as the result of the law which was passed at the first session of the Fifty-ninth Congress, the standard of public expenditure is and must be fixed by the Congress of the United States, and if the departments or the various branches of the Government do not conform to the standard thus fixed, and if they create deficiencies, the responsible officials are liable to imprisonment, as well as removal from office.

As the result of this legislation, therefore, we have in this deficiency bill only about $4,000,000 of deficiencies for the fiscal year 1911, and, including the $700,000 carried in the urgent deficiency bill, the aggregate of the deficiencies for this fiscal year would be less than $5,000,000.

Now, some Members of the House have said to me this morning that they thought the Committee on Appropriations made a mistake in reporting items for additional compensation to certain employees of certain committees of the House of Representatives. In some of these cases the amount was referred by the Committee on Accounts to the Committee on Appropriations. In one or two other cases the Committee on Appropriations acted independently of the Committee on Accounts, and the position taken by the Committee on Appropriations in respect to this extra compensation of employees of committees of the House was this, and I want the Members of the House to understand what prompted a favorable recommendation in this case, as in all other previous Congresses favorable recommendations have been made on items of this kind. The organization of the House consists of a number of committees of the House, and these committees are composed of the membership of the House. We do not recognize the right of any committee to act as a censor upon any other committee.

So far as our committee is concerned, therefore, when the chairman of another committee comes to the Committee on Appropriations with a unanimous recommendation in favor of additional compensation for services rendered to employees of that committee, we do not deem that we are justified in criticizing their action or questioning their judgment as to the value of the services of the men who are employed by them to serve during the session of Congress. For that reason the Committee on Appropriations have recommended additional compensation in the instances mentioned because of the representation of the committees themselves that these employees were entitled to that compensation, and we therefore did not feel justified in turning them down. If there is any criticism that criticism is upon the committee that employed these services and for whose benefit the services were rendered. Personally I do not feel like criticizing or denying them the only opportunity they have for the purpose of giving extra compensation where, in the unanimous judgment of the committee, they were entitled to compensation.

Now, Mr. Speaker, there is one other item in the bill——

Mr. OLMSTED. If the gentleman will pardon me, I would like to ask if there is in this bill any provision for the establishment of a surety-bond bureau.

Mr. TAWNEY. I was coming to that. There is $25,000 recommended in this bill for the creation of a fidelity division in the Treasury Department. Members of this House will recall the fact that about two years ago 17 surety companies formed a combination and increased the premium rates from 50 to 300 per cent. The attention of the members of the Committee on Appropriations was called to that fact by a demand on the disbursing officer to have salaries increased on account of the increased demand for premium on insurance bonds. On the recommendation of the committee, and in a general deficiency bill which passed at the extra session of this Congress, there was a provision that no officer of the Government should be permitted to accept a corporate surety bond where the premium was in excess of that charged during the calendar year of 1908. That provision passed this House with only five dissenting votes, as I recall it. It went to the Senate and was stricken out in the Senate, and in conference the provision was restored, with a limitation that the rate should not exceed 35 per cent of the rate charged in the calendar year of 1908.

Attached to that was the further provision that a commission consisting of three Senators and three Members of the House should be authorized, whose duty was made to investigate the whole question of the surety bonds or fidelity bonds given by officers, agents, and employees to the Government to insure their integrity. That commission consisted of Senator GALLINGER, Senator CURTIS, and Senator FOSTER of Louisiana, the gentleman from Iowa [Mr. SMITH], the gentleman from Mississippi Mr. [BOWERS], and myself on the part of the House. The commission employed two actuaries, one of whom not long ago was the president of the Actuarial Society of the United States, and to assist him the commission employed Mr. Herbert D. Brown. These men have been at work ever since the 1st of July, 1909, gathering statistics under the supervision and direction of the commission as to the loss experienced by the Government covering a period of 15 years. That period was taken because that marks the beginning of the time when corporate surety bonds were authorized to be accepted by officers of the Government.

The result of that investigation, in a nutshell, was that for the protection which the bonded officers of the Government are paying the surety companies the Government is receiving only 36 per cent of that protection. Of the protection which the Government receives from the personal sureties we in fact receive 43 per cent. That is, the personal surety bonds afford more protection to the Government of the United States than do the corporate surety bonds.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. TAWNEY. I can not yield. Of the aggregate loss during the 15 years the bonded companies have paid only 36 per cent of the loss. The remaining 64 per cent is evaded, first, by the companies taking advantage of every possible technicality and litigation of all kinds; second, by the failure or insolvency of the companies themselves. Only recently the Government lost from $50,000 to $100,000 by the insolvency of two of these surety companies; third, by the releasing of the surety companies through the action of Congress on bonds to indemnify the Government against loss.

This provision aims to remove all three of these causes. As a result, 64 per cent of the amount of the losses incurred among bonded employees of the Government has been lost. This provision will give the Government of the United States full and complete protection, for every dollar that is lost will be charged against the fidelity fund without litigation, and therefore the Government of the United States will have full and complete protection. The employees of the Government will be able also to furnish the Government that complete protection for at least one-third less than the bonding companies are now charging them, and from which the Government receives only one-third of the protection the bonded officers of the Government are paying for.

Second and third, we provide here that all bonds shall run to the United States. There will be no longer bonded officers whose bonds run to their superiors. The system of bonding subordinates to their superiors arose at a time when the principals were responsible for the appointment of their subordinates. That system has been entirely obliterated.

To-day the Treasurer of the United States, who has several hundred employees under him, has no more to say about who shall be appointed under him as a subordinate than you or I. Yet through the act of that subordinate, a defalcation occurring, the Treasurer would be liable to the Government for it; but the fact that the Treasurer is not guilty of any wrong personally has prompted Congress in the past to relieve him from paying that obligation, and thereby the Government must stand the loss. This provision requires all bonds to run direct to the United States Government, and also requires either a surety bond or a bond without surety, and if they pay the premium fixed by the Secretary of the Treasury under this provision to the credit of the fidelity fund then the Government of the United States has ample protection, has all the protection that the bonded officers of the Government have paid for, and those officers of the Government furnish that protection for two-thirds of what they are now paying the bonding company for it.

Mr. A. MITCHELL PALMER. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. A. MITCHELL PALMER. I would like to ask the gentleman for information, whether he knows how much in amount the Government has in noncollectible judgments against surety companies on bonds.

Mr. TAWNEY. I do not know how much the Government has in noncollectible judgments, but I do know that the Government has received only a little over 43 per cent of the aggregate loss on personal surety bonds.

Mr. A. MITCHELL PALMER. The rest of it is in dispute, in litigation, is it?

Mr. TAWNEY. The rest of it is wiped out. If there are any judgments in force I know nothing about them, and the investigation does not disclose the fact. I do know that in one case when the commissioners called upon the bonding company for a statement of their premiums and their losses, included in their contingent liability was an item of $61,000, which only a few days ago they settled with the Treasury Department for $6,000; yet they carried the whole $61,000 as a contingent liability for the purpose of making the best showing that they possibly could.

Mr. STAFFORD. Has the committee in relieving the superior officers of liability for the laches or the neglect of their subordinates considered the phase of whether they will not be less liable to scrutinize the action of their subordinates by reason of their being thereby relieved?

Mr. TAWNEY. Yes; the commission has taken that into consideration, and I will say for the benefit of the gentleman from Wisconsin—I can not stop to read it now, for my time is limited—the commission has written to all of the superior officers in the Government whose subordinates are bonded to them, and also to all of the auditors and the chiefs of divisions who have under them bonded subordinates, to ascertain whether or not the surety companies aid them in detecting any misconduct on the part of their subordinates. In every single instance the answer has been that they have never received any support or aid whatever. On the contrary, it appeared from the testimony of the insurance companies themselves that they have concealed the fact of embezzlements and defalcations from the Government officers in the hope that by leeching or coercing the parents of the defaulting officer to make good the loss they will relieve themselves. They have concealed from the Government of the United States the fact of actual embezzlement of public funds, and if they have not thereby compounded a felony, it ought to be so made by statute.

Mr. STAFFORD. That hardly answers the question I had in mind. My query is directed as to whether this relief of exemption of the superior officer will not incline him to be less rigorous in examining into the accounts or the actions of the subordinates. To-day the postmaster is liable for the embezzlements of the clerk, and the like.

Mr. TAWNEY. Yes.

Mr. STAFFORD. He is bound thereby to scrutinize the action of the clerk or the other under official. Relieving him from liability may incline him to be careless.

Mr. TAWNEY. We do not relieve him from liability entirely. I know of a case in the post office—and in the Post Office Department all of the subordinates are bonded direct to the Government—where there was a loss of $4,000 in excess of the penalty of the bond of the subordinate. The Government collected the full amount of the bond of the subordinate, and the postmaster was required to make up the balance.

Mr. MOORE of Pennsylvania. Will the gentleman tell us the effect of this proposition of the fidelity plan upon the bonds given by such officers as deputy collectors of internal revenue, bonds which now run to the collector?

Mr. TAWNEY. Well, these subordinates of the collector would have their bonds run direct to the United States.

Mr. MOORE of Pennsylvania. Under this plan their bonds would run direct to the United States?

Mr. TAWNEY. All the subordinates instead of paying the surety company would pay a premium fixed upon his bond by the Secretary of the Treasury into the Treasury to the credit of the fidelity fund. Let me say one word more, and that is that this plan is entirely optional with the Government employees. It does not compel them to insure through the fidelity fund. If they can get their surety at a less cost they are at liberty to furnish a surety bond, or a personal bond as well.

Mr. MOORE of Pennsylvania. Then he may still go to an outside voluntary company, and that will be satisfactory to the Government?

Mr. TAWNEY. It is optional in that respect. It is different from the plans of Canada and the Philippine Islands. There it is mandatory, and we make it optional.

The SPEAKER. The time of the gentleman has expired.

Mr. COX of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER].

Mr. A. MITCHELL PALMER. Mr. Speaker, I am opposed to this steam-roller process of passing this bill through the House for two reasons. In the first place, it is absolutely and entirely unnecessary, for there is plenty of time for the House to give it fair and decent consideration, such as it ought to give to a bill which proposes to appropriate nearly $9,000,000 of the people's money. I am opposed to this method for the second reason that this bill carries a provision which constitutes such a sweeping, far-reaching, and drastic change in the established law of the land that it ought never to find a place in any appropriation bill, much less be forced through the House after only 40 minutes of debate, and I refer, Mr. Speaker, to section 3 of the bill, to which the chairman of the committee has just devoted some attention. This legislation had its inception in the special session in 1909, when, as the chairman of the committee says, this House passed an amendment to the urgent deficiency bill which provided that surety companies thereafter should not charge more than 35 per cent in excess of the charges of the year before on fidelity bonds, and the Senate put an additional amendment on the bill creating a joint commission to investigate the entire question of surety bonds. The commission says in its report, which I have seen within the last half hour, that the commission was created because the argument was made, which the commission says was sound, that this important legislation ought not to be put through without a full investigation and an opportunity for discussion in the Congress. Now, the commission has been working for nearly two years behind closed doors, at a very considerable expense, and before it makes any report to this Congress and before a single Member or any other person in the country interested in this matter has had an opportunity to know what the commission has found, it gives a sort of premature birth to the remarkable piece of legislation found in this bill.

Now, after this legislation was passed in 1909 the surety companies maintained a rate in accordance with the maximum rate established by the law for several months, but in September, 1909, my information is that the surety companies began to cut rates again, and rates went down to the prices which prevailed during the cut rates of 1908, so that the effect of the legislation has been to accomplish all that the chairman of the committee claimed for it when he brought it into the House in the deficiency bill of 1909. Despite that fact he now proposes in this bill to embark the Government of the United States——

The SPEAKER. The time of the gentleman has expired.

Mr. A. MITCHELL PALMER. Can the gentleman from Indiana yield me more time?

Mr. COX of Indiana. I yield the gentleman one minute more.

Mr. A. MITCHELL PALMER. You propose to embark the Government of the United States in the most hazardous business which men could engage in in this country, and I am against the Government going into a business and assuming a liability which this commission itself says amounts to $350,000,000 without an opportunity on the part of the House to understand this question.

Mr. OLMSTED. Will the gentleman yield?

Mr. A. MITCHELL PALMER. I have only a minute; if I could have four minutes more I would.

Mr. OLMSTED. This bill leaves it optional with the clerks. Suppose a limited number of clerks availed themselves of the option, the fidelity fund would be very small. Now, how would the Government be reimbursed for losses which might occur?

Mr. A. MITCHELL PALMER. They propose to levy this assessment in such a way that it will be cheaper for the employees to get in under this plan than to take the bond of any reputable surety company in the country, and therefore I suppose they will get all the employees into the system.

The SPEAKER. The gentleman's time has again expired.

Mr. COX of Indiana. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. COVINGTON].

Mr. COVINGTON. Mr. Speaker, in the short time I have in which to discuss this proposition I do not purpose to deal with the merits of the proposed legislation for bonding Federal employees. I am not concerned with its merits at the present time. But I am opposed to any scheme of legislation which is a radical departure from the settled policy of a century and which seeks to embark the Government into a paternal bonding scheme of any sort for its officers and employees without full opportunity for this House to discuss the merits of the proposition and amend it if necessary.

Only yesterday the report was filed with this House embodying the result of the investigation of the joint commission appointed with regard to this legislation. That report speaks for itself, in that it embraces 100 pages. There have been employed a corps of trained investigators under the charge of two expert actuaries. One year and more of time has been given to the completion of the complicated results of that investigation. Those results have been embodied in a scheme of legislation engrafted upon an appropriation bill, and which scheme seeks to overturn the system of surety liability which the Government has uniformly resorted to in the past. Mr. Speaker, this proposed plan will mean the establishment of the principle of a parental system of government, and is so wide a departure from our settled policy that we ought not to engage in it without careful scrutiny.

I want also to call the attention of this House to the provision of law authorizing the joint commission which has reported the proposed legislation. In the commission's authorization act as embodied in the conference report, and which the gentleman from Minnesota [Mr. TAWNEY] has referred to, there is not a suggestion that it should report a plan of legislation changing the method of suretyship liability to the Government by Government employees. The question at issue at that time was purely one of rates.

I know not, nor do I care, for this purpose, whether the bonding companies' rates have in the past been excessive or not. If they were, they should be regulated. If their surety bonds are in a form which under the law did not adequately protect the Government, then the liability clause should have been changed, and they should all perhaps be made to run directly to the United States. If, as a matter of fact, there was any particular in which those bonds were prepared so that the companies were enabled to evade their liability, I say the bonding companies ought to have been made to change them.

But, Mr. Speaker, the subject under discussion in this House to which the gentleman from Minnesota [Mr. TAWNEY] has referred was purely one of adjusting the existing rates of the bonding companies and of getting the joint commission's authority to investigate embodied into law. The final form of the statute then passed simply provided that the commission—

shall inquire into the rates of premium heretofore and now being charged as well as those proposed to be charged by surety or bonding companies for bonds of officers or employees of the United States and report to Congress by bill or otherwise at its next session what regulation, if any, should be exercised under law or otherwise over the same.

I therefore say, Mr. Speaker, that it is improper to engraft on a deficiency appropriation bill such a comprehensive scheme of legislation as the one before us, and one not contemplated when the commission was created.

Mr. Speaker, the gentleman from Pennsylvania [Mr. OLMSTED] has asked his colleague [Mr. A. MITCHELL PALMER] one very pertinent question I want to refer to, namely, if this legislation be optional, and if there is not held out to the Government employee some remarkable inducement or incentive, what assurance have we that there will be created by this optional

plan of governmental suretyship a fidelity fund from the low premiums collected from any restricted number of employees who may avail themselves of the proposed law, which will be a sufficient fund to reimburse the Government for a single great loss? It sems to me that that question of itself ought to be sufficient reason to prevent us from passing in a hasty fashion on an appropriation bill legislation of this vital character.

Mr. COX of Indiana. Mr. Speaker, I yield four minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I want to say that I have as much confidence in a bill reported by the Committee on Appropriations, and which they have considered, as I have in a bill reported by any other committee in the House. But I was struck with a statement made by the gentleman from New York [Mr. FITZGERALD] a few days ago, when the attempt was made to get a rule to pass the sundry civil bill, that he was not willing to ask the membership of this House to take the judgment of any single committee on a great appropriation bill and the items thereof and that he was not willing to adopt any such precedent. I was very much impressed with that, because he is one of the distinguished members of that committee and did not want to share any such responsibility.

Now, I suppose if there is any appropriation bill that has been before this House that might justify us in passing in this way it is this particular bill. But should we on this side, just starting in to legislate in a few days—according to the papers—adopt a precedent that may come home to vex us? We have plenty of time to consider this bill. Every point of order is waived when the motion to suspend is carried. No opportunity to amend is given, and, according to the statement of the gentleman from New York [Mr. FITZGERALD], which I heartily approve, hardly ever can a bill be made as good by any one committee as by the Committee of the Whole House on the state of the Union.

Now, inasmuch as we have plenty of time wherein to consider this bill in the usual way, and perhaps can get it passed this afternoon, why not do it? But I want to say, in justice and fairness to the committee and to the House, that it will be ten times—yes, fifty times—more defensible to pass this bill in this way than to pass a bill which practically puts a charge, one-half on the District of Columbia and one-half on the General Treasury of the United States Government, for a gigantic park scheme involving $20,000,000, which I doubt if 20 men or 50 men in the House know anything about, or can sufficiently inform this House upon it in 20 minutes' debate on a motion to suspend the rules. I hope when that motion comes up that gentlemen will think this is a mere bagatelle as compared with suspending the rules and passing a measure involving as many millions as are required for the fortification of the Panama Canal. But I will vote against this motion, because I think it is a bad precedent, because I think it is unnecessary, and because I think we have ample time in which to consider this bill in the proper way, especially when we know what is coming.

Mr. CLAYTON. And we should vote against it because it ought to be beaten, too.

Mr. COX of Indiana. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Speaker, I agree with the gentleman from Tennessee [Mr. SIMS] in many respects, but I disagree with one part of his speech, as to the relative importance of this bill.

I think we ought not to adopt a motion to suspend the rules and pass this bill, because I think a general deficiency bill, above all others, ought to be read in the House, subject to amendment, and ought to be subject to points of order. It is a sort of basket bill. Like the basket clause in a tariff bill, it carries many important items which have not heretofore been appropriated for by Congress, and without intending the slightest reflection on the members of the Committee on Appropriations, I think a motion should not be adopted to suspend the rules and pass such a bill, with no opportunity allowed for amendment.

Mr. TAWNEY. Is the gentleman aware of the fact that it is the custom in a short session of Congress to pass the general deficiency bill under a suspension of the rules?

Mr. THOMAS of North Carolina. I was not aware of that fact; but if it is a fact, it is a bad custom. This bill carries $8,000,000. It carries many different items. It carries appropriations for the State Department, the Treasury Department, the District of Columbia, river and harbor work, pensions, the Department of Justice, Department of Agriculture, audited accounts, and many other appropriations. In addition, there have been engrafted upon this bill—and that, I think, is unwise on the part of the Committee on Appropriations—matters not authorized by existing law, which is contrary to the rules of the House, and matters which ought not to go upon an appropriation bill, but should be presented to the House by separate bills.

Now, it is true that the committee puts items subject to points of order in many appropriation bills, but those bills are usually read in the House, and if the items ought not to go in a point of order takes them out of the bill. But if you adopt the motion of the gentleman from Minnesota [Mr. TAWNEY] the effect is that you have not the slightest opportunity to make a point of order against any item in this bill or the slightest opportunity to amend the bill, all rules being suspended.

My friend from Pennsylvania [Mr. A. MITCHELL PALMER] and the gentleman from Maryland [Mr. COVINGTON] have told you that section 3, establishing a fidelity division in the Treasury Department, which practically puts the Government into the bonding business, ought not to be in this bill. Certainly opportunity should be given, if it is subject to a point of order, to those gentlemen and others opposed to that provision to make the point of order. But the effect of the motion of the gentleman from Minnesota [Mr. TAWNEY], if you adopt it, is to pass the bill without any opportunity to make a point of order or any opportunity of amending the bill, and I, for one, am opposed to such procedure.

Mr. COX of Indiana. Mr. Speaker, I desire to detain the House but for a moment. I am unalterably opposed to legislation of this kind. I am opposed to it on principle, because I do not believe it can be justified on any principle whatever.

I recognize the fact that we are here in the closing days of the session of Congress, when everything is in a jam, but I do not believe that the jam can be charged up to this branch of the Congress. If there be a jam anywhere and a fault anywhere, that fault should not be laid at our door. Here is a bill that carries upward of $8,000,000 that must be paid by the people; and while I have the supremest confidence in the great Committee on Appropriations, yet it has been well said, and I have long since learned, that the best legislation is not evolved alone by the committee that has charge of it. I have learned that the best legislation, or at least what I regard as the best legislation, is that which is perfected by going through the Committee of the Whole. Everyone knows that if the motion made by the gentleman from Minnesota is agreed to, all amendments are cut off, all points of order are denied; and while I have had little time to go through this bill, I have no doubt that there are many items in it that ought to go out on points of order. I have no doubt that many of these items should be amended and can be amended.

I know that the threat is constantly held over us "If you men on that side of the House, or those who are opposed to this motion, want to take the chance of a special session, vote down this rule."

Mr. Speaker, I am not desirous of bringing on a special session, but to me it has few terrors when it comes to doing what I regard as my plain duty, in opposing this motion, taking the chances of reading this bill under the five-minute rule, and letting it come up in its natural, orderly, and decent way. [Applause.]

Nor does the argument that it has been customary heretofore to pass general deficiency bills under a suspension of the rules appeal to me; because, if it has ever been the policy of Congress to pass any appropriation bill under a suspension of the rules, that policy, in my judgment, can not be defended. It is erroneous, and it is the last time that we should adopt it.

Mr. CLAYTON. The bill is only 85 pages long.

Mr. COX of Indiana. The bill is only 85 pages long, as suggested by the gentleman from Alabama. Last week we were assured by the able chairman of the Committee on Appropriations that if we did not adopt the motion passing the sundry civil bill under suspension of the rules, it would surely bring on an extra session.

Mr. THOMAS of North Carolina. If we had gone on under the rules of the House to-day we would have been almost through with this bill.

Mr. COX of Indiana. That is true. If we had begun the reading of this bill under the five-minute rule we would have been almost through with it. Last week we considered the sundry civil bill, carrying $140,000,000, and nearly 240 pages long, and passed it through the House in less than two days. I do not entertain any question but what if we remain here we can pass this bill before 12 o'clock to-night, and I hope this motion will be voted down. I will never vote for any rule shutting off points of order or amendments to bills of any kind, when the only argument advanced for the rule is time. The people are entitled to the very best legislation we can give them, and all know that if this amendment be adopted it can not be given due and careful consideration, because the adoption of the rule passes the bill.

The SPEAKER. The question is on the motion to suspend the rules and pass this bill with the amendments.

The question being taken, the Speaker announced that he was in doubt.

Mr. TAWNEY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 157, answered "present" 6, not voting 86, as follows:

YEAS—135.

Alexander, N. Y.	Draper	Hollingsworth	Morgan, Okla.
Anthony	Durey	Howell, N. J.	Nye
Austin	Dwight	Howell, Utah	Olcott
Barchfeld	Edwards, Ky.	Hull, Iowa	Palmer, H. W.
Barclay	Ellis	Humphrey, Wash.	Parker
Barnard	Elvins	Joyce	Payne
Bartholdt	Fairchild	Keifer	Pickett
Bennet, N. Y.	Fish	Kendall	Plumley
Bennett, Ky.	Focht	Kennedy, Iowa	Pratt
Bingham	Fordney	Kennedy, Ohio	Pray
Boutell	Foss	Knapp	Reeder
Bradley	Foster, Vt.	Lafean	Roberts
Burke, Pa.	Gaines	Langham	Scott
Burke, S. Dak.	Gardner, Mass.	Langley	Sheffield
Burleigh	Gardner, Mich.	Lawrence	Simmons
Calder	Gardner, N. J.	Livingston	Smith, Iowa
Calderhead	Gillett	Longworth	Snapp
Campbell	Good	Loud	Sperry
Cassidy	Graff	Loudenslager	Steenerson
Chapman	Graham, Pa.	Lowden	Stevens, Minn.
Cocks, N. Y.	Grant	McCreary	Sulloway
Cole	Greene	McCredie	Swasey
Cowles	Griest	McGuire, Okla.	Tawney
Creager	Guernsey	McKinley, Ill.	Taylor, Ohio
Crow	Hamer	McKinney	Thistlewood
Crumpacker	Hamilton	McLaughlin, Mich.	Thomas, Ohio
Currier	Hanna	McMorran	Volstead
Dalzell	Haugen	Malby	Wanger
Davidson	Hawley	Martin, S. Dak.	Weeks
Davis	Heald	Massey	Wilson, Ill.
Dawson	Henry, Conn.	Miller, Kans.	Young, Mich.
Diekema	Higgins	Miller, Minn.	Young, N. Y.
Dodds	Hill	Mondell	The Speaker
Douglas	Hinshaw	Morgan, Mo.	

NAYS—157.

Adair	Esch	Johnson, Ky.	Peters
Adamson	Ferris	Johnson, Ohio	Rainey
Aiken	Finley	Johnson, S. C.	Randell, Tex.
Alexander, Mo.	Fitzgerald	Keliher	Ransdell, La.
Anderson	Flood, Va.	Kinkead, N. J.	Rauch
Ansberry	Floyd, Ark.	Kitchin	Richardson
Barnhart	Fornes	Kopp	Riordan
Beall, Tex.	Foster, Ill.	Korbly	Roddenbery
Bell, Ga.	Fuller	Kronmiller	Rucker, Mo.
Boehne	Garner, Tex.	Küstermann	Shackleford
Booher	Garrett	Lamb	Sharp
Borland	Gillespie	Latta	Sheppard
Brantley	Glass	Lee	Sherley
Burgess	Gordon	Legare	Sherwood
Burleson	Graham, Ill.	Lenroot	Sims
Burnett	Gregg	Lever	Sisson
Byrns	Hamill	Lindbergh	Slayden
Candler	Hamlin	Lloyd	Smith, Tex.
Cantrill	Hammond	McHenry	Spight
Carlin	Hardwick	Macon	Stafford
Carter	Hardy	Madden	Stanley
Cary	Harrison	Madison	Sturgiss
Clark, Mo.	Havens	Maguire, Nebr.	Sulzer
Clayton	Hay	Mann	Talbott
Cline	Heflin	Martin, Colo.	Taylor, Colo.
Collier	Helm	Mays	Thomas, Ky.
Cooper, Wis.	Henry, Tex.	Mitchell	Thomas, N. C.
Covington	Hitchcock	Moon, Tenn.	Tilson
Cox, Ind.	Hobson	Moore, Pa.	Tou Velle
Cox, Ohio	Houston	Morrison	Townsend
Cullop	Howard	Morse	Turnbull
Dent	Howland	Moss	Washburn
Denver	Hubbard, Iowa	Nelson	Watkins
Dickinson	Hubbard, W. Va.	Nicholls	Webb
Dickson, Miss.	Hughes, Ga.	O'Connell	Wheeler
Dies	Hughes, N. J.	Oldfield	Wilson, Pa.
Dixon, Ind.	Hull, Tenn.	Olmsted	Woods, Iowa
Driscoll, D. A.	Humphreys, Miss.	Padgett	
Edwards, Ga.	James	Page	
Ellerbe	Jamieson	Palmer, A. M.	

ANSWERED "PRESENT"—6.

Andrus	Conry	Slemp	Smith, Mich.
Bartlett, Ga.	Rothermel		

NOT VOTING—86.

Ames	Gallagher	McLachlan, Cal.	Rodenberg
Ashbrook	Garner, Pa.	Maynard	Rucker, Colo.
Bartlett, Nev.	Gill, Md.	Millington	Sabath
Bates	Gill, Mo.	Moon, Pa.	Saunders
Bowers	Godwin	Moore, Tex.	Small
Broussard	Goebel	Morehead	Smith, Cal.
Butler	Goldfogle	Moxley	Southwick
Byrd	Goulden	Mudd	Sparkman
Capron	Hayes	Murdock	Stephens, Tex.
Clark, Fla.	Huff	Murphy	Sterling
Cooper, Pa.	Hughes, W. Va.	Needham	Taylor, Ala.
Coudrey	Jones	Norris	Underwood
Craig	Kahn	Parsons	Vreeland
Cravens	Kinkaid, Nebr.	Patterson	Wallace
Denby	Knowland	Pearre	Weisse
Driscoll, M. E.	Law	Poindexter	Wickliffe
Dupre	Lindsay	Pou	Wiley
Englebright	Lively	Prince	Willett
Estopinal	Lundin	Pujo	Wood, N. J.
Fassett	McCall	Reid	Woodyard
Foelker	McDermott	Rhinock	
Fowler	McKinlay, Cal.	Robinson	

So the motion was lost.

The following pairs were announced:

For the session:

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. BRADLEY with Mr. GOULDEN.

Mr. MOREHEAD with Mr. POU.

Mr. SMITH of California with Mr. CRAVENS.

Until further notice:

Mr. SOUTHWICK with Mr. ROBINSON.

Mr. KNOWLAND with Mr. GODWIN.

Mr. MCLACHLAN of California with Mr. ASHBROOK.

Mr. KAHN with Mr. SPARKMAN.

Mr. BATES with Mr. SABATH.

Mr. MCCALL with Mr. UNDERWOOD.

Mr. WOODYARD with Mr. WEISSE.

Mr. DENBY with Mr. GALLAGHER.

Mr. CAPRON with Mr. GILL of Missouri.

Mr. MILLINGTON with Mr. MAYNARD.

Mr. WOOD of New Jersey with Mr. PATTERSON.

Mr. MURDOCK with Mr. RHINOCK.

Mr. AMES with Mr. REID.

Mr. COOPER of Pennsylvania with Mr. BOWERS.

Mr. MICHAEL E. DRISCOLL with Mr. BROUSSARD.

Mr. FASSETT with Mr. CRAIG.

Mr. GARNER of Pennsylvania with Mr. DUPRE.

Mr. HUFF with Mr. ESTOPINAL.

Mr. LAW with Mr. GILL of Maryland.

Mr. LUNDIN with Mr. GOLDFOGLE.

Mr. MOON of Pennsylvania with Mr. JONES.

Mr. MOXLEY with Mr. LIVELY.

Mr. MURPHY with Mr. LINDSAY.

Mr. PARSONS with Mr. MCDERMOTT.

Mr. PEARRE with Mr. MOORE of Texas.

Mr. PRINCE with Mr. PUJO.

Mr. RODENBERG with Mr. RUCKER of Colorado.

Mr. STERLING with Mr. SAUNDERS.

Mr. VREELAND with Mr. STEPHENS of Texas.

Mr. COUDREY with Mr. TAYLOR of Alabama.

Mr. MUDD with Mr. WILLETT.

Mr. FOELKER with Mr. WICKLIFFE.

For the balance of the session:

Mr. HUGHES of West Virginia with Mr. BYRD.

Mr. WILEY with Mr. WALLACE.

Mr. SMITH of Michigan with Mr. CLARK of Florida.

Ending with session of March 1:

Mr. HAYES with Mr. ROTHERMEL.

Ending March 2, at 11 a. m.:

Mr. ENGLEBRIGHT with Mr. BARTLETT of Nevada.

Mr. NEEDHAM with Mr. CONRY.

On this vote:

Mr. FOWLER with Mr. SMALL.

The result of the vote was announced as above recorded.

A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On February 27, 1911:

H. R. 26150. An act to authorize the construction of drawless bridges across a certain portion of the Charles River, in the State of Massachusetts;

H. R. 28632. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 9221. An act for the relief of James Jones;

H. R. 16268. An act for the relief of Thomas Seals;

H. R. 18542. An act for the relief of Thomas C. Clark;

H. R. 26018. An act for the relief of James Donovan;

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels above the city of Mobile, Ala.;

H. R. 32220. An act to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River;

H. R. 32341. An act to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River near Nininger, Minn.;

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

On February 28, 1911:

H. R. 32571. An act to consolidate certain forest lands in the Kansas National Forest.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I call up the conference report on the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia. The statement has already been read this morning and I ask unanimous consent that its reading be dispensed with as well as that of the report.

The SPEAKER. Without objection the reading of the report and the statement will be dispensed with.

There was no objection.

Mr. GARDNER of Michigan. Mr. Speaker, there is a full and complete agreement between the conferees of the two Houses. The action of the House yesterday in defeating the Senate amendment increasing the salaries of the commissioners was conformed to by the conferees. That is the only change in the bill from what it was as presented yesterday. I move the adoption of the report.

The motion was agreed to.

AUTOMOBILES ENGAGED IN INTERSTATE COMMERCE.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, reported the bill (H. R. 32570; H. Rept. No. 2270) providing for the regulation, identification, and registration of automobiles engaged in interstate commerce and the licensing of the operators thereof, which was read a first and second time and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. WANGER. Mr. Speaker, I ask unanimous consent that the minority may have until to-morrow to file a report.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5037. An act for the relief of G. A. Embry; and

S. 10808. An act to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz.

ORGANIZED MILITIA.

Mr. DALZELL. Mr. Speaker, I call up now the privileged report (No. 2275, with H. Res. 1001) from the Committee on Rules which was under consideration at the time that I yielded to the gentleman from Minnesota [Mr. TAWNEY] to move to suspend the rules and pass the general deficiency bill. The rule has already been read from the desk and I ask unanimous consent that, for the information of the House, it be again reported.

There was no objection, and the Clerk again reported the rule.

Mr. CLARK of Missouri. Mr. Speaker, I desire to make a parliamentary inquiry. Was it not the agreement that the deficiency bill should be gotten out of the way, passed or defeated, before this would come up?

The SPEAKER. There is no agreement about it, so far as the Chair is informed or believes.

Mr. MANN. The motion of the gentleman from Minnesota to suspend the rules was defeated.

The SPEAKER. This is a privileged matter and the deficiency bill is a privileged matter—and many bills are privileged, for that matter——

Mr. CLARK of Missouri. I would like to refresh the memory of the Chair. Did not the Chair make the agreement with the gentleman from Pennsylvania?

Mr. DALZELL. That was, that the gentleman from Minnesota should make his motion to suspend the rules and pass the bill. He has already done that, but the motion was defeated.

Mr. CLARK of Missouri. What has become of the bill?

The SPEAKER. It has gone to the Union Calendar.

Mr. DALZELL. Mr. Speaker, before proceeding to discuss the rule I would like to ask the gentleman from Missouri how much time he wants.

Mr. CLARK of Missouri. Individually, I do not want any. If the gentleman will take 20 minutes off the time granted for the debating of this rule and add it to the general debate under the rule and give me half of the time, I will waive this debate about the rule, as the gentleman from New York [Mr. FITZGERALD] who wanted to debate it is not here.

Mr. DALZELL. Then, Mr. Speaker, I will be willing to add 30 minutes to the general debate on the bill.

Mr. CLARK of Missouri. Yes; and give me half of this. That would be 45 minutes.

Mr. DALZELL. Mr. Speaker, I will agree to that, if the House does. I ask unanimous consent that that agreement may be made.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. HAY) there were—ayes 122, noes 83.

So the resolution was agreed to.

Mr. DALZELL. Mr. Speaker, the bill H. R. 28436 has already been read in the House, and I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

The SPEAKER. Under the order previously made by unanimous consent, there will be one hour and a half general debate, 45 minutes to be within the control of the gentleman from Missouri [Mr. CLARK] and 45 minutes within the control of the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I yield to the author of the bill [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, the provisions of this bill may be divided into two classes, the first relating to the pay of the National Guard, and as I have already explained those provisions to the House on the motion to suspend the rules, it is not necessary to go over that again. The other features of the bill may be called the administrative features, and seek to correct some defects in the existing law. We should bear in mind that originally under the acts regarding the militia of 1792 and 1795 the militia could be called out by the President in time of war directly without any intervention of the governor of a State, and at the time of the Civil War that power was exercised in many instances and enforced. Now, when the law of 1903, known as the Dick law, was passed, there appeared for the first time a provision that the call should be made through the governor, and that was retained when that law was amended in 1908.

Originally the law provided that the militia should consist of all able-bodied men between the ages of 18 and 45, and all were required to render military services, to be enrolled, and to provide themselves with certain equipment. The Dick law retained a part of the provisions, but classified the militia into the reserve militia and the Organized Militia or National Guard. Now, the War Department has found fault with the existing law in this, that there is no provision for reaching the militia in case of war and compelling them to respond to a call. There is no jurisdiction in any court-martial to try a militiaman or a national guardsman for refusing to respond, and we have corrected that upon the suggestion and recommendation of the War Department. It simply restores the law and the working system substantially as it was originally, so that you will readily see that the fears of some gentlemen who debated this measure a few days ago upon the motion to suspend the rules are unfounded.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. STEENERSON. In a minute. It does not interfere with the independence of the States or infringe upon the proper limits of the doctrine of autonomy of the States or State rights.

Mr. MONDELL. Do I understand the gentleman to say that the provisions in the bill under which a militiaman is subject to court-martial if he does not respond to the call of the President is in line with the old militia law, and that it simply restores the conditions that were under the old law?

Mr. STEENERSON. That is true.

Mr. MONDELL. The gentleman is certain about that?

Mr. STEENERSON. Yes. Now, the other provisions of the law relate simply to the inspection of the troops. The War Department explained in the hearings, through Maj. Gen. Leonard Wood, Chief of Staff, the necessity for this provision, inasmuch as under the law as it is now they were unable to determine beforehand what part of the National Guard was fit for military duty and was efficient; whether they were physically suitable, and the law, therefore, as we propose to make it, covers that point and makes them subject to examination and approval by the War Department before they can draw any of this pay herein provided for. These provisions were suggested by the War Department as a condition precedent to the pay of the militia as contemplated by the bill, and the Committee on

Militia agreed that that was a proper condition and that these defects in the law should be corrected. Now, in regard to the substantive proposition in the bill, to pay the militia or National Guard for this training, as contemplated by the bill, I wish to remind the Members of the House of the fact that under the law as it is and as it has always been and even under the State constitutions of most of the States, every able-bodied man is liable to military duty in time of war, and impliedly, therefore, everyone should be ready to perform that duty. Now, we are an industrial Nation. The vast population here is engaged in the pursuits of industry and commerce, and although we have estimated approximately 16,000,000 men in the United States of military age, yet none of them, or at least very few, prepare themselves to discharge this duty to their country in case of war, but in each State they have an Organized Militia or National Guard, a voluntary force, that is almost entirely serving without compensation, and this measure seeks to compensate them to a small degree for the extra work involved in acquiring the necessary knowledge and training to fit them for duty in case of war.

Mr. MONDELL. Will the gentleman permit another question?

Mr. STEENERSON. I yield to the gentleman from Wyoming.

Mr. MONDELL. I do not want to break in on the gentleman's argument, but I want to ask the gentleman if he does not think that this provision on page 2—

> That no officer shall be entitled to compensation until he shall have passed such examination as shall be prescribed for officers of that grade by the Secretary of War—

is somewhat conflicting.

Mr. STEENERSON. I do not think it conflicts with the Constitution.

Mr. MONDELL. The gentleman is sure of that?

Mr. STEENERSON. Well, it is my opinion.

Mr. FLOYD of Arkansas. Will the gentleman yield for a question?

Mr. STEENERSON. For a question, if it is brief.

Mr. FLOYD of Arkansas. I desire to ask the gentleman from Minnesota who creates the national military board referred to in this act. How is it constituted?

Mr. STEENERSON. That is created under a former law.

Mr. FLOYD of Arkansas. Now, I will say to the gentleman from Minnesota that I have searched the statutes carefully and I can not find where it is in any of the acts.

Mr. STEENERSON. I can not help that. It is there. Now, I desire to say further——

Mr. HOWLAND. Will the gentleman yield?

Mr. STEENERSON. In a moment. I desire to say, further, that the United States, with the exception of Great Britain, is the only important country in the world that has no compulsory military service. We depend for our defense entirely upon volunteers. The Regular Army is recruited from volunteers and so is the National Guard, and that relieves these fifteen or sixteen million men subject to military duty from any preparation.

When these young men throughout the different States who belong to the National Guard are required, as they are under the existing law, to prepare themselves with great labor, it is but fair that the rest of us who do not so prepare or abandon our business should contribute something to aid them in making good at least their loss of money spent in this preparation.

Now, I yield to the gentleman from Ohio [Mr. HOWLAND].

Mr. HOWLAND. I would like to have the gentleman give me the constitutional authority which justifies the Federal Government in appropriating money out of the Federal Treasury to pay the officers of the guard and the men of the guard when they are not in the employ of the Federal Government.

Mr. STEENERSON. Well, the Constitution provides that Congress shall provide for the training of the militia, and this is a provision for that purpose, and I do not think there is any question about it. As I have said, these men, out of 16,000,000 of military age in the United States, are doing this work for our security. And it is but fair that a small allowance should be given to them by the United States. The States contribute something, and in some States I am told those of military age are required to contribute in order that the State may disburse that money to the National Guard in their States. It seems to me it is a perfectly fair and equitable provision.

From the foundation of this Government it was a great problem how to establish a well-regulated militia, and it was conceded up to 1903 that we had failed. Since that legislation the militia has concededly improved, and has now achieved, comparatively speaking, great efficiency. We have accomplished what George Washington so eloquently said was a great work. In one of his messages to Congress he said:

> The devising of well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude.

We think with this legislation and the previous legislation that I have alluded to, that we will have devised a well-regulated militia system that will prove satisfactory and, in the opinion of the Secretary of War, will give us such preparation as is reasonably necessary for war, and it seems to me we should not look upon this entirely from the standpoint of the Appropriations Committee.

We are responsible for the safety of this great Nation of ninety millions of people. We are responsible for the permanence of its institutions, for its wealth, and for its civilization. History tells us that the richer the nation, the more advanced in civilization, the greater the temptation there is for a foreign foe to seek to invade our limits. And we can not wave it aside by saying it will cost a few million dollars.

We are spending, it is true, $100,000,000 a year upon the Regular Army. We are spending $4,000,000 dollars for equipment for the militia. If we spend the maximum, estimated under this bill as $8,000,000, it will be only $12,000,000 for 120,000 officers and men, or at the rate of $100 apiece for that vast army.

It seems to me that it is the most economical measure that can be proposed. We certainly would not expect that we had done our duty in preparing for the national defense if we did not do something to continue the excellent condition of the militia and continue to improve it, and put the law in such a state as to make it a workable system.

Granted that the Army and Navy and militia costs a large amount annually to maintain, the fact remains that their maintenance is necessary for the security and defense of our country. The service of all these men, in all branches, is voluntary. We must either pay a reasonable compensation or we can not fill the ranks unless we resort to conscription or involuntary servitude. Is there anyone here who advocates that?

We often hear it said that ours is the most expensive military service in the world, and that ours is the most costly army, and so forth. That is true, and the reason is that this is the highest wage country in the world.

When we hire men for this service we must pay something like what could be earned in civil life or the ranks will not be filled.

Upon reflection, therefore, it seems to me that it will appear to any fair-minded person that the large sums spent for the public defense is not due to extravagance on the part of Congress, nor to undue pressure exerted by militarists among us, but to the fact that this is not only a free but a high-priced country, where even the common soldier is entitled to fair pay and a decent standard of living. You can not abandon the country to a defenseless condition, and you can not maintain a proper defense except by paying what it costs.

This legislation was recommended in the annual report of the Secretary of War, and by the Chief of Staff and all the officials of the War Department.

I do not claim to be a military authority, but I lay this before you in the light of common sense and fairness, that it is a measure not for the purpose of giving money for something simply for show, but to compensate these men for actual work. The time of the tin soldier and of display is gone by, so far as the militia is concerned. Everyone familiar with the National Guard work for the last few years knows that it is efficient, and everyone knows that the guardsmen undergo actual training and work and study, and that therefore they are entitled to some recognition for this work for our common benefit. [Applause.]

Mr. DALZELL. Mr. Speaker, how much time has the gentleman consumed?

The SPEAKER pro tempore. The gentleman has two minutes remaining.

Mr. CLARK of Missouri. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, this bill proposes to impose a permanent charge upon the revenues of the Government of about $6,000,000 annually. Members on this side of the House should realize that within a very short time Congress will be convened for the purpose of revising the revenue laws of the United States in order to reduce the burdens of taxation and to afford some relief to the people from the present onerous burdens from which they suffer. It will be impossible to bring any relief whatever to the country if we are continually to add to the permanent charges for which provision must be made by revenue legislation.

Two things will be demanded of the Democratic Party in the next House—one, to reduce substantially the appropriations of the public money for the conduct of the public service, and the other to reduce substantially the taxes imposed under the tariff laws.

The appropriations for the past two or three years have exceeded one thousand millions of dollars annually; unless substantial reductions are made in the appropriations it will be impossible for any committee of this House, however gifted or however earnest, to give any relief from the present extortionate tariff taxes.

It is said that the real purpose of this bill is to perfect the militia of the country, to afford some method by which we may be able to avoid augmenting our permanent military force and to organize the militia upon such a basis that it will be possible to resort to it in the time of difficulty. The truth of the matter is, Mr. Speaker, that this country has been able to rely upon its volunteers and its militia since the foundation of the Government without any financial aid from the Federal Government until within a very few years. In order to harmonize the militia equipment and to standardize its equipment, Congress has enacted laws by which there is annually appropriated $4,000,000 for the militia, and now it is proposed to add to this expenditure $6,000,000 or $8,000,000 annually in addition.

An examination of this bill discloses that it will not accomplish its purposes. It may be of some benefit to the men who have commissions in the National Guard of the various States, because it gives them, during the entire year, a certain percentage of the compensation paid to officers in the Regular Army holding similar rank. But to the enlisted man it will be neither an inducement nor an advantage. It provides that he may receive 25 per cent of the pay of an enlisted man in the Army, provided he satisfactorily performs at least 48 drills in a year. Men in the various States cheerfully enlist in the National Guard and willingly pay dues and subject themselves to fines and punishment for failure to comply with the regulations. Under this bill the opportunity to obtain $45 in one year by compliance with the regulations of the War Department will not be any inducement to others to enter the militia or to have the men perform the duties imposed upon the militia by the Federal Government, but it will do something, Mr. Speaker, that will plague us in the future more than can be foretold at present. It will be the beginning of a movement by which men in the National Guard in all parts of the country will be awakened to take an interest in the amount of money appropriated by the Federal Government for the aid of the militia.

When men are put upon a basis where they receive 25 per cent of the pay of an enlisted man they will very quickly demand that the compensation be increased to 50, to 75, and then to 100 per cent of the pay of an enlisted man; and then, with this organized movement extending into every little hamlet throughout the country, will come an irresistible demand that the pay of the enlisted men of the Army be increased so that the militia may be the beneficiaries, and instead of imposing an annual charge of six or eight million dollars, as some well-informed persons predict, it will very easily result in a fixed charge of over $30,000,000 a year.

I have heard it said by men who are well informed that the best that can be expected at the first attempt to revise our Army estimates will be to save $5,000,000 or $6,000,000 a year from the present appropriations. If this bill becomes a law every dollar to be saved from the present Army budget must be appropriated to carry out the provisions of this act.

We expend now $125,000,000 a year for the Navy, about $100,000,000 for the Army, $4,000,000 under the Dick law for the militia, and now it is proposed to add from $6,000,000 to $8,000,000 more to our expenditures for military purposes.

I will not go into the question as to the necessity or advisability of legislation to improve the militia. It is my contention that in the dying hours of this Congress it is a gross injustice to attempt to enact a bill which is bound to increase the fixed charges of the Government by from $6,000,000 to $8,000,000. Heretofore we have relied upon the patriotism of the men of the United States to interest them in the National Guard and in the militia, and to equip themselves properly for service in time of need, but now it is proposed by the gentleman from Minnesota [Mr. STEENERSON] that we change our policy, and instead of relying upon patriotic motives, that we rely upon selfishness and greed, and entirely upon a financial inducement for men to undertake service in the militia.

The day after this bill was before the House, Friday last, I read in a paper published in my home city of four officers of one of the most prominent regiments in the National Guard having tendered their resignations because of the onerous duties imposed under the revised regulations of the War Department. The statement was made that not only had four resignations been submitted, but that an additional number were soon to be expected.

Those gentlemen who imagine that men engaged in the ordinary occupations of life can in some manner, by some small pittance, be induced to devote an unreasonable amount of time to military service or to the equipment of themselves for military duty will find out that they are very sadly mistaken.

A long step forward was taken when the Dick law was enacted. It provided means by which standardized equipment could be distributed among the National Guard in the various States, and it also provided means by which such men could be compensated when engaging in joint maneuvers with the Regular Army of the United States.

This bill proposes, however, that these men, when they assemble at their armories during the year, to engage in the regular drills which are provided weekly in all parts of the country, shall have as an inducement the fact that if they attend these drills, and attend 75 per cent of the prescribed number of 48, they may be compensated at the rate of not quite $1 for each drill which they attend.

Mr. Speaker, it is preposterous to assert that such compensation will be any inducement to a man who heretofore has been willing to pay for the privilege of engaging in such drills, and who has entered upon an obligation by which he can be subjected to a financial penalty in case he fails to live up to his obligation.

The real effect of this bill will be, first, to advance very materially the interest of the officers of the guard, and secondly, to promote a lobby extending throughout the United States to coerce Congress into greatly increased expenditures for war purposes. I hope this bill will not receive the approval of the House at this time. [Applause.]

Mr. CLARK of Missouri. I yield 20 minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Speaker, this bill, in my judgment, is against the interests of the National Guard of the United States, notwithstanding I have received telegrams and letters from various members of that organization in my State asking me to vote for it. This bill, in my opinion, controverts the spirit of the Federal Constitution. Congress under the Constitution has certain powers over the militia organizations of the different States. In Article I of the Constitution we find this provision:

> Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion.

Further—

> to provide for organizing the Army and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

This bill is a departure from that fundamental principle in our Government as embodied in the Constitution, because, as I will be able to show you, the control of these organizations under the provisions of this bill is absolutely transferred from the several States to the War Department here in Washington.

The bill as originally presented by the National Guard had only one purpose, and that was to provide for pay by the Federal Government to the Organized Militia and the officers thereof in order to relieve them in part from the burdens and expenses incident thereto.

But that bill was submitted to the War Department and the War Department added the proviso in section 5, which completely changes the primary object of the bill proposed by the National Guard organization, and transforms the whole tenor and purpose thereof and makes it a bill in the interest of the War Department of the United States, rather than in the interest of the Organized Militia.

It ignores rules heretofore observed in regard to the rights of the States, and provides that even the pay received by the men shall be paid at the office of the War Department.

Now, I want to call your attention to what Gen. Wood, of the United States Army, said about this bill in the hearings and you will see the reasons which influence the War Department in desiring this legislation. We are expending over $100,000,000 annually in maintaining the Regular Army of the United States. We have 82,000 men in the Regular Army, but we have only about 20,000 in the United States proper. I will read from the hearings before the committee the statement of Gen. Wood:

> Mr. ASHBROOK. Is that two years from the time of their enlistment or two years from the time of being called into the service of the United States?
>
> Gen. WOOD. Two years from the time of call. You see, our situation to-day is just this: We have an army of about 82,000 men, of which nearly 18,000 are in the Philippines, a regiment in Alaska, and we have to put about six in Hawaii, and four or five on the Panama Canal, and it is going to bring us down in the United States to less than 20,000 mobile troops. Under the Dick law we are required to accept the whole militia, and these amendments are put in such shape that we shall know we can get it all, get it well instructed, and have it long enough so that it will be of some service, and in case we have to replace it by volunteers there will be time to do it. Of course, the

chances are that as soon as the militia is called, if we had a great war, we would have to call for a certain number of volunteers in addition. We hope to have the militia in such condition that we can accept it all, on a peace basis of perhaps 120,000 men, in round numbers; on a war footing it would be about 200,000 men, so it is evident that to bring this force up to a war footing it will be necessary to add a very large number of new men. This makes it all the more important that we should be able to hold all the old ones, hence the proviso that these men who have received Federal pay shall serve for not to exceed two years if the Government requires their services. And then, again, if these men had been receiving Federal pay for a number of years, it is not right that they should go out of the service immediately; it seems but fair that they should be liable for at least two years' service if needed.

The CHAIRMAN. Suppose a militiaman has served almost two years in the militia, perhaps has a month more to serve, and then is called upon to serve the United States, he would have to serve two years more?

Gen. WOOD. Yes; if he had received Federal pay, and if the Government required him for that length of time.

Now, in that connection, I want to call your attention again to the particular provision in the bill which I regard as the most unjust and monstrous provision ever inserted in a law relating to the military service of the United States. If a proposition was introduced into this House to require and compel all able-bodied men to serve for a definite period in the United States Army, how many of you would dare to vote for it? And yet we have men in the War Department that have recently advocated such a law; but it is contrary to the spirit of American institutions to compel military service except in a great exigency, such as actual war. And yet you propose to require these militia boys, scattered all over the country, in every State of this Union, before they can receive pay under this bill, to take the oath of allegiance and make an agreement to perform military service for two years in case of war independent of their enlistment, which requirement is not imposed on enlisted men in the Regular Army. Listen to this provision. I want to read it again:

Provided, That no money appropriated under the provisions of this act shall be paid to any person who is not suited to the military service according to the standards prescribed by the Secretary of War, nor shall any such money be paid to any person who has not taken the oath of allegiance to the United States, including an agreement to render military service to the United States during any period for which he may be called into such service, providing such period shall not exceed two years.

What is its purport? It is this monstrous propositon, namely, that while the men who enlist in the Regular Army under the rules and regulations of the War Department which have obtained since the establishment of this Government may retire from service at the end of their enlistment, yet if a young man enlists in the militia of his State and under this bill receives one-fourth pay from the Federal Government, he must take an oath and sign an agreement that in case of war he will serve two years, independent of his enlistment—a draft in advance, based upon his honor. Who is willing to stand for it? Yet there it is, and the meaning of it has been clearly explained by Gen. Wood of the Army.

Mr. HUMPHREYS of Mississippi. That is in the amendment proposed?

Mr. FLOYD of Arkansas. That is in the amendment in section 5, but that is not all of section 5. The other day my time was so limited that I did not state my objections to certain other provisions in section 5. I want to call attention to them now. It reads further:

And any officer or enlisted man of the militia who, having received pay under the provisions of this act, neglects or refuses, under any pretext whatsoever, to present himself for muster when called into the service of the United States, shall be subject to trial by any court-martial constituted as now provided by law.

That is the requirement imposed by the terms of this bill upon each member of the Organized Militia who shall receive Federal pay. He can not excuse himself under any pretext whatever without being rendered liable to court-martial and trial for violation of the law as a deserter.

Mr. STEENERSON. Will the gentleman yield?

Mr. FLOYD of Arkansas. I have not the time to yield. Such is the duty imposed upon each enlisted man. They call upon him for his service. He has no discretion. If he refuses under any pretext whatsoever he is to be court-martialed and tried as a deserter and punished as prescribed by law for desertion. What is the converse of that proposition? If they desire his services they compel him to serve, but if, on the other hand, they do not desire his service, what is the result? Listen to the further reading of this proposed amendment:

And provided further, That nothing in this act, or in any other act, shall be construed to require the United States, in time of war, to accept the services of any militia organization or of any person belonging to such organization unless such organization or person has been regularly inspected, reported fit for military service according to the standard prescribed by the Secretary of War, and so carried upon the rolls of the Adjutant General of the Army.

In other words, if you pass this bill you no longer have a State militia in the different States of the Union, but under the designation of a National Guard or militia organization you have an adjunct to the Regular Army of the United States in the several States of the Union. Does the Organized Militia of this country desire any such law? Why, the Constitution says it shall be the duty of the States to drill the men and to appoint the officers of the Organized Militia, and what does this bill provide? The Secretary of War is not obligated under the provisions of this act or any other law to accept any organization or any man in any organization unless they come up to the standard prescribed by the Secretary of War and their names are so carried upon the rolls of the Adjutant General of the Army.

It is a dangerous bill. It is a dangerous bill to the thousands of young men all over this country who, actuated by patriotic impulses, have joined the National Guard expecting, in the event of war, to be associated with their friends and companions, and to be called into the service of the United States in the performance of patriotic duty. In the Secretary of War is lodged the power to dismember their companies, to take the officers and men he thinks proper and to reject the others. You have no National Guard if this becomes a law. The men named and designated as members of the National Guard have become a great and powerful adjunct of the Army of the United States, and, as I said in the outset, that is contrary to the spirit, if not to the letter, of the Federal Constitution. It is contrary to the traditions of the people of the United States for more than 100 years. I resent the effort to pass this bill as dangerous to the liberties of the people and declare that its enactment is against the interest of every national guardsman in the country, notwithstanding the provision for Federal pay. Oh, but they say, if the militiaman receives one-quarter pay he ought to serve two years independent of his enlistment. Yet the Regular soldier, the enlisted man in the United States Army, is not required under any law, except those laws providing that soldiers may be drafted in time of actual war, to perform military service beyond the period of his enlistment. In behalf of the gallant boys who belong to the National Guard in 46 States, I protest against the passage of this bill. They have asked for bread and you propose, at the behest of the War Department, to give them a stone. They asked for a small pittance of Federal pay, and in consideration thereof you propose to impose upon them all the exacting regulations and requirements of the Regular Army, and to enforce a two years' service in case of actual war, independent of their enlistment, by a trial by court-martial, and in case of conviction, by the pains and penalties provided by law for desertion. I regard this bill as the most dangerous, the most far-reaching and momentous measure that has been proposed in this body since I have been a Member of Congress.

Mr. DALZELL. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has 25 minutes remaining and two minutes left from the time he yielded to the gentleman from Minnesota.

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, I agree entirely with my friend from Arkansas [Mr. FLOYD] that this country has confidently relied upon its militia for over 100 years for its defense. I go further and say that it ought to rely for all time for its principal defense on its militia. I do not believe that the people of the United States ought ever to become reconciled to the necessity of a large standing army, and I believe that the passage of this bill will go a long way, or at least be a step in the right direction, to prevent that very thing.

Theoretically all able-bodied men are members of the militia, and upon these the Government has a right to rely for its defense. So long as the weapons used by soldiers were of a simple character and they were opposed by similar weapons in the hands of the enemy there was no great need for long or continuous training. It was sufficient when the danger arose for volunteers to be called for, and volunteers have always been forthcoming. Patriotism has always existed in this country, and I believe always will, and that alone might have sufficed so long as simple weapons were used; but one of the greatest developments of this age has been in connection with firearms and ordnance of various kinds.

Mr. SULZER. Will the gentleman yield?

Mr. TILSON. Gladly.

Mr. SULZER. This bill, as I understand it, provides that the Federal Government shall pay the militiamen of the States. Does the gentleman think that that is a good innovation?

Mr. TILSON. Oh, well, it is not an innovation. The members of the militia have received for many years pay from the

Federal Government every time they were called out for maneuvers in connection with the Federal troops. They have always been paid by the Government, and paid directly by the paymaster of the United States Government, so it is not an innovation at all. This bill carries it a little further, and instead of paying for the drills during maneuvers only, it is now proposed to pay them for the drills during the year; in other words, in their preparation for the maneuvers.

Mr. SULZER. Does not the gentleman think it would be sufficient for the Federal Government to furnish the militia of the States with arms, clothes, and munitions of war and for the States to pay their own militia?

Mr. TILSON. If I thought so I should not favor this bill, but it has been my observation and experience as a member of the National Guard for a number of years that we can not depend upon the States alone, and that the States are not uniform in the treatment of their militia. In the gentleman's State of New York I admit that the State has been most liberal, but in other States it has not been so. It is especially not so with the National Guard of some of our Southern States, as appears from a number of letters received by me from guardsmen in that part of the country. Even my own State, though more liberal with its militia than many of the States, has not been liberal enough to enable the members of its National Guard to be thoroughly trained and instructed without considerable financial loss and hardship to themselves.

Mr. SULZER. How much will it cost the Federal Government to carry out the provisions of this act, if it becomes a law?

Mr. TILSON. I understand that the provisions of this law, if applied to the National Guard as it stands to-day, if the ranks were full and all these men had measured up to the standard, would approximate $8,000,000, but taking the ranks depleted in many organizations, as I know to be the case, and assuming that all can not measure up to the high standard of efficiency required by this bill, it is estimated, as nearly as can be gotten at by the reports of the various inspectors sent out by the United States Army into the various States, that a little more than $4,000,000 would be at first required. I for one should hope that at an early day all the organizations of the various States might measure up to the proper standard of efficiency and require the $8,000,000 instead of the $4,000,000.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TILSON. I should like to have about three minutes more.

Mr. DALZELL. I yield the gentleman three minutes.

Mr. TILSON. Now, Mr. Speaker, just a word in regard to the necessities for this bill.

For more than a dozen years I have been a member of the National Guard. For part of that time I was a captain, and we all know it is an axiom of the Army that "like captain like company;" that the captain is the most important officer of the Army. I know some of the difficulties of a captain in trying to fill the ranks of his company, and I know that those difficulties have been growing from year to year in filling up the organization with proper men.

It is all very well to say that patriotic young men will join these organizations and devote their time to them. They have done so in the past to some extent, but the requirements were not then so great or so exacting. The requirements are growing more and more difficult every year, and we can not find fault with that, because if we are going to have a guard at all we want it so that it will be of some account when the time comes to use it. We can not find fault with the requirements, but the fact remains that they have been growing harder and harder every year, so that whereas companies were easily maintained at a maximum some years ago, it is now increasingly difficult to do so. The officers now have to use additional evenings for study, and the enlisted men, especially the noncommissioned officers, have to give more study to their duties. So that it is more difficult from year to year to fill the ranks of organizations.

It seems to me that if we are to have anything like an efficient force for the national defense it has come down to a choice between enlarging the Regular Army, and making this a valuable adjunct, to use the words of the gentleman from Arkansas [Mr. FLOYD], to the Regular Army in the way of a well-trained and partially paid National Guard.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORE of Pennsylvania. Will the gentleman yield before he does that?

Mr. TILSON. Yes.

Mr. MOORE of Pennsylvania. Is it the experience of the gentleman in his own State that it is more difficult to obtain recruits than formerly?

Mr. TILSON. It is.

Mr. MOORE of Pennsylvania. And I want to say to the gentleman that that is the condition in the State of Pennsylvania, and that this is in compliance with the request of military men to have something of this kind done in order to have the ranks filled.

Mr. TILSON. I am told that the adjutants general of all the States have been urging this from time to time, and they certainly know the needs in their respective States.

Mr. GARDNER of Massachusetts. If the gentleman will permit, I wish to say that I, also, have been a captain in the militia until I was elected to Congress, and every year it became more and more difficult, as the requirements increased, to get recruits in my neighborhood.

The SPEAKER pro tempore. The time of the gentleman from Connecticut has expired.

Mr. CLARK of Missouri. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. Twenty minutes.

Mr. CLARK of Missouri. I will yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, I really regret that I am unable to see my way clear to support this bill. My attention was first directed to it by requests coming from my home State that I should support it. Upon scrutinizing the bill and analyzing its terms and provisions as best I could, I was irresistibly driven to the conclusion that, taking its accomplishments and its involvements together, it is one of the most dangerous bills which has been presented to this body for action during this or for several past sessions.

This, Mr. Speaker, is the second step in the movement to absolutely destroy the militia of the States as a State organization and make it a component part of the standing Army of the United States. And, as certain as the sun shines, if this bill shall pass, it will in the years to come be followed by legislation that will accomplish the result of destroying the militia as a State militia and making it all a part and parcel of the regular standing Army of the United States.

Now, I do not think that is a desirable situation. The State militia is not only to be used as a National Guard in times of national stress and storm, but the State militia is also to be used to preserve peace and order and to prevent violence within the States. And yet, sirs, if this bill is passed and is followed to its logical conclusion, as it will be, the time will come, and come soon, when the State militia will not be subject to the orders of the State authorities, but will be absolutely under the orders and subject to the control of the authorities of the United States, and your State militia will be gone.

The gentleman from New York and other gentlemen have dwelt upon the economical phase of the matter, and that is a phase that is worthy of great consideration, particularly since this addition of $6,000,000 to the fixed expenses of the Government is proposed at a time when a deficit is staring the Congress in the face, notwithstanding the fact that through all the years of the past we have moved so admirably and so well under the system of a State militia supported alone by the States. Oh, this is but another movement brought about by that desire to shift expense from the States to the Federal Government, another development brought about by this system of indirect taxation. The man in the State knows when he pays his State taxes, because he pays the cash and gets only a tax receipt in return. But the citizen does not realize when he pays his Federal taxes, because the hand of the taxgatherer is hidden, and the result is that there is constantly growing up in all parts of the country the idea that expenses that have heretofore been borne by the States can properly be shifted upon the Federal Government.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Speaker, I suggest that the gentleman from Pennsylvania [Mr. DALZELL] yield some of his time.

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. This bill should pass. It is a reasonable and sensible solution of the problem which for years has perplexed those who are in favor of economy in the administration of public affairs and are at the same time anxious to see the efficiency of our Military Establishment increased.

The suggestion that the measure is unconstitutional is disposed of by the language of the Constitution, which provides that Congress "shall have power to provide for organizing, arming, and disciplining the militia."

The claim that it destroys the State militia as such is wholly unsupported by any line in the bill. Its relation to and duty toward the respective States is not modified in any manner whatsoever.

The complaint that it subjects members of the guard to military duty in an emergency is without merit, because it would be utterly absurd to expend money for the training of these young men and then, when they have become efficient and the Nation needs them, have no right to command their services.

Besides, joining the militia is not compulsory, and in the first instance is entirely voluntary.

As a matter of economy its merits are manifest. We now expend nearly $100,000,000 annually to sustain our present Army of 82,000 men.

By this measure we add to the Nation's reserve force of trained soldiers between 120,000 and 150,000 men by the expenditure of the remarkably small sum of from $4,000,000 to $6,000,000.

By degrees we are wiping out the old prejudice existing between the National Guard and the Regular Army. The harmonizing of the military methods of the two bodies and the uniting of the two in closer relations will do more than all else to avert the increase of the regular standing army at an enormous cost.

By the previous training these young men will receive in times of peace they will prevent that useless and cruel slaughter which has marked the opening of all our military struggles, because of the lack of training of the thousands of brave young raw recruits who have so willingly responded in time of need to their country's call.

With four dying of disease in hospitals for every one in battle, the last war furnished its own sad commentary on former methods.

Add to this useless sacrifice of life the vast sums we necessarily pay in pensions because of the deaths and disease contracted as a consequence of lack of thorough training and another powerful argument is furnished for the passage of this bill from the standpoint of economy alone.

Mr. FLOYD of Arkansas. Will the gentleman yield for a question?

Mr. BURKE of Pennsylvania. I have but five minutes, but I will yield.

Mr. FLOYD of Arkansas. Why not put a similar provision into the law relative to the enlisted men in the Regular Army?

Mr. BURKE of Pennsylvania. Such a provision is not necessary in the case of the enlisted men, because they now enlist for a period of years, and they are subject during that period of years to any military duty that the emergencies of the United States may render necessary.

Now, the duties of these young men in the militia are rather onerous. They are not getting this money for nothing.

Mr. A. MITCHELL PALMER. Will the gentleman from Pennsylvania yield?

Mr. BURKE of Pennsylvania. Certainly, I will yield to my colleague.

Mr. A. MITCHELL PALMER. The gentleman stated a few moments ago that the National Guard of Pennsylvania are unanimous for this bill.

Mr. BURKE of Pennsylvania. I said the sentiment was overwhelmingly for it among the national guardsmen of Pennsylvania.

Mr. A. MITCHELL PALMER. I want to ask the gentleman if he has heard of any sentiment in Pennsylvania in favor of this bill outside of the National Guard?

Mr. BURKE of Pennsylvania. I have always heard of a sentiment in the State of Pennsylvania, especially among the sensible people who compose its citizenship, in favor of any measure that will produce wise and economical results in the management of the civil and military establishments of the United States Government.

As to whether the men in the guard are entitled to pay, I might add that the character of their duties is far more onerous than is ordinarily believed.

In a brief conversation with my distinguished friends Col. Thomas J. Stewart, adjutant general of Pennsylvania, and Col. Albert J. Logan, of our National Guard, at Pittsburg, I was more than ever impressed with the necessity for this legislation, because the detailed explanations were in accord with the statements I had heard from the men in the ranks many times before.

The duties required of officers and enlisted men of the National Guard of the several States since the passage of the Dick bill, with its amendments, closely associating the National Guard with the Army, are very different from that generally understood by many citizens. While the work assigned to both officers and men in every grade requires a great deal of time, study, and attention, the duties that devolve upon the captain of a company and his responsibilities are the greatest. To be a successful company commander in the National Guard requires many qualities; in fact, more than in the regular establishment. First, he must have good health and energy and enthusiasm in his work. In the Army the recruits are secured and sent to the company commander. In the National Guard the company commander is charged with getting the recruits, or members of his company, all of whom have to be passed on by the regimental surgeon as to physical fitness for the service in accordance with the standard set by the War Department. The recruit having passed a satisfactory physical examination, the captain is responsible for his development into a useful fighting machine that will be of service to the United States in case of war.

In a company of Infantry there must be, in time of peace, at least 58 enlisted men. Now, a soldier being physically satisfactory must be taught many things—such as soldierly bearing, promptness, respect to superior authority, obedience to all orders and instructions, the proper care of his person and the property in his charge, how to care for his health under circumstances of limited opportunity, what he should eat and drink and the care of his body, so that fatigue and disease may have the least effect on him. He must be taught how to march and carry a rifle and to maneuver in the squad and company, so that as a unit of either he can do his part in the close-order drill, the close-order drill being that which the public usually sees on the drill floor or in a street parade, and the smallest part of the work of a successful soldier. Guard duty has to be taught. The duties of a sentinel are of the utmost importance to the military organization of any army. For a soldier to know how to best protect the persons and property he is charged with can not be underrated.

The recruit must be taught the proper use of the modern rifle, how to care for it and how to fire accurately with it, how to gauge distance and the proper adjustment of the sight and windage, all of which are so highly important with the present modern rifle. This has to be taught both on the indoor and field ranges.

Then comes the field work, which requires knowledge of maps, contours, judging distance, training in observation, and being able to accurately report that which has been seen.

In addition to the above there is the care of the company property, such as clothing and equipment, that is necessary and required to be on hand by the Government. All this goes to make up the administration of a company of the National Guard and is particularly charged to the company commander, who is required to give bond for the safe-keeping and return of the Government and State property. This is no small task when a company commander must at all times have a full equipment for at least 58 men and may have nearly double this number. This equipment includes the service and dress uniforms, flannel shirt, overcoat, blanket, poncho, hat, cap, shelter tent, haversack, canteen, mess kit, cartridge belt and attachments for each man, and in addition a field kitchen outfit, stove, mess kettles and pans, field desk, intrenching tools, and so forth, in value worth several thousand dollars, and all to be kept in serviceable condition and ready for use at any time they are called for.

Now, while the company commander is the directly responsible party for all I have enumerated, he has to assist him his lieutenants and noncommissioned officers, all of whom are necessarily young men and generally men of small incomes. It is unfair that they should be asked to undertake such responsible duties for the benefit of our Nation without some compensation for their labor. It is true the State and National Government supplies the military equipment, but only in part, as for the proper housing and maintaining of it much has to be added to the most successful commands by the members and generous citizens.

Twice each year my State requires a thorough inspection of both property and men as to the condition of the property and the efficiency of the officers, and one annual inspection is made by an Army officer for report to the War Department, making three inspections that have to be gone through with each year. In addition to the drills officers' and noncommissioned officers' schools have to be conducted. The rifle season, conducted from May to October 31 each year, requires an immense amount of work for officers and men. The summer encampment, which usually requires about nine days, while enjoyed by the enthusiastic soldier, is a tour of hard work and requires considerable time immediately prior to the encampment in making

preparations for the tour of duty, and also after the return home, in having the property put into condition after the field service that will meet with the approval of the critical eye of the inspector.

The national guardsman who fairly well performs his duties has little or no time for study or recreation other than what he finds in his military work, being required to earn a living as well and expend part of his means for the military work. Therefore it must be apparent to you or all fair-minded men that he should have some compensation for his work. I believe the Government in supporting the National Guard as part of our national defense has made a good move in the right direction, but the step made is just a little short of the best results. The additional expense to be added by allowing drill pay I believe will yield a much greater dividend than has been received or anticipated. It will open a field for a more desirable class of recruits.

Now, while I have directed attention particularly to the work of the very important unit of a military organization—the company commander and his administrative duties and responsibilities—it must be remembered that the whole organization as planned has its duties to perform that are more or less of a task on the time and private incomes of the members of the organization. In my mind the best work that can be accomplished in the National Guard to educate the men to be useful for a national defense, in case such a requirement should occur, is to educate the young man from 18 to 22 or 23 years of age in this service. As to the matter of knowledge, the majority of our able-bodied American boys of that age are without much means, usually commencing their careers at trades or in business, and their incomes are small. Therefore the expense of carfare to attend drills as well as giving up their time from their recreations and study should be considered. It must be borne in mind that the program laid out for the work and study of a national guardsman is not only for a few weeks or months, but the program laid out for him covers the entire year. He is expected to give at least one night a week to instructions and drill in addition to the time he is required to spend on the rifle range and the extra days he serves in the summer encampment without compensation. Here it might be well to say that during the summer encampment payment is made for the time the guardsman is actually in camp, yet there is always a day or two, both before and after the encampment, that is taken up by military work for which he gets no compensation. In the State of Pennsylvania, for instance, the guardsman gets only eight days' pay during the entire year.

I believe it is only fair that the guardsmen of the country should receive the compensation that is asked for in the way of drill pay from the National Congress at the present time, and that it will yield for the National Government a much greater dividend in efficiency if we will add the pay to the present money that is being expended in the line of developing the national guardsmen to be a useful part of the National Army in case their services are required.

For these reasons I am heartily in favor of the enactment of this measure into law.

I submit as part of my remarks the memorandum submitted by Gen. Leonard Wood to the Secretary of War in connection with this bill:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, January 11, 1911.

Herewith is a bill, the purpose of which is to provide Federal pay for the Organized Militia of the several States and Territories and the District of Columbia. The enactment of this bill would mark an entirely new departure in military legislation, and because of its far-reaching effects it is probably the most important legislation now under consideration by the War Department.

The Constitution provides that Congress shall have power—

"To raise and support armies, * * *.

"To make rules for the government and regulation of the land and naval forces.

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

"To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia, according to the discipline prescribed by Congress."

Under the authority thus conferred, Congress enacted militia laws in the early days of the Republic which remained substantially unchanged for more than a hundred years. The essential features of the act of May 8, 1792, remained upon the statutes until the enactment of the so-called Dick bill of January 21, 1903, and some of its provisions having been reenacted by the latter law are still in force.

Under the provisions of the act of May 8, 1792, service in the militia appears to have been regarded as a public duty properly required of every citizen, much like that of working on the public roads in certain rural districts. Every able-bodied male citizen between the ages of 18 and 45 years of age, and every such citizen upon attaining the age of 18 years, was required to be enrolled in the militia, to provide himself with arms, ammunition, and equipment, and to render military service for so many days out of the year. This was in effect compulsory military service. The appointment of the officers and the authority of the training of the militia was left to the respective States, but the President was vested with the authority to call the militia into the service of the United States to execute the laws of the Nation, suppress insurrections, and repel invasions. He was given authority to issue the call direct to such officers of militia as his judgment should dictate, and provision was made as to the punishment to be imposed in the case of persons of the militia who refused or failed to march to the place of rendezvous. There was no obligation on the part of the Federal Government to accept the services of the militia, but there was every obligation upon the part of the citizen to render militia service. This statement is made at this point in order to emphasize the fact that under the modern existing law these conditions are reversed and the United States is required to accept the services of militia, but there is no obligation on the part of the citizen to serve; at least, no valid obligation which can be effectively enforced.

The fundamental idea of the old militia law was excellent in that it recognized compulsory military service as an obligation owed by the citizen to the Republic, but the detailed methods of carrying this idea into effect were so impracticable that the whole plan proved to be a substantial failure. Beginning with the Revolution and ending with the War with Spain, the militia system has proven a failure in every national conflict, and the only success which has ever come to the American arms has been through the services of the Regular Army and the Volunteers. The great majority of American people make no proper distinction between militia and volunteers. The essential difference is that volunteers are under the exclusive control and jurisdiction of the Federal Government, while the militia is under the joint control and jurisdiction of the Federal Government and the State in which it is organized.

George Washington says:

"To place any dependence upon militia is assuredly resting upon a broken staff."

So severe has been the criticism of militia during every national conflict, that as wars have progressed less and less dependence has been placed upon it, until finally, at the end of every war, the entire burden has in every case been borne by Regulars and Volunteers.

The militia organized under the old laws and the National Guard of to-day, however, are very different; so different, in fact, that it may not be considered altogether fair to class them together. But the improvement goes only so far as the defects in the old laws have been remedied, and the two are identically the same so far as the defects in the old laws have not been remedied.

The principal defects in the old militia laws were as follows:

1. Divided responsibility between the Federal Government and the States: Massachusetts, Connecticut, Vermont, Virginia, North Carolina, Kentucky, Tennessee, Missouri, and Arkansas have, through their governors, refused to turn out the militia when called upon by the President to do so. Other States have greatly interfered with the Federal Government in its use of militia either by raising objections and obstacles or by forcing the service of troops not desired.

The modern existing law instead of remedying this defect has intensified it. The old law did not require the President to consult the governors with reference to turning out the militia. He could issue the call direct. As a matter of courtesy, the call was made through the governors. But now it is required by law. There is no way for the Federal Government to coerce the governors, and if any governor should refuse or fail to transmit it to the militia of his State it is easy to see that the whole matter could be thrown into confusion. Moreover, under such conditions it would be impracticable to punish those who failed to answer the call. To make things worse the law requires that the Organized Militia shall be accepted in advance of any volunteers. The Organized Militia is defined by law to be "the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated, or who shall hereafter participate, in the apportionment of the annual appropriations provided by section 1661, Revised Statutes of the United States, as amended, whether known as National Guard, militia, or otherwise."

With such a loose definition, each separate State could absolutely control the Federal Government with reference to the militia of that State. After the outbreak of war, or when war was imminent, any State could reorganize its militia, change all of its officers, increase or decrease the number of men, discharge or appoint for political reasons, and then force the Government to take the balance. In case of an unpopular war, it is probable that the confusion and difficulties of organizing an army of militia and volunteers would go far beyond anything in our previous history.

Another provision of the existing law is that for those States which have "adopted the standard of medical examination prescribed for the Regular Army," the militia shall be exempt from medical examination upon muster in. There is no requirement as to enforcement, but only as to adoption, and any State can exempt its militia from medical examination by "adopting" the Army medical standard after war is declared. The last report of the Chief, Militia Division, states that all the States except four have adopted the Army medical standard, but very few of them enforce it.

2. Failure or refusal of troops to serve: So great have been the number of cases where organizations and individuals have declined to serve when called, or have raised objections and obstacles to such service, that no consistent effort seems to have ever been made to compel service. Under the act of 1795 any person called into the service of the United States who refused or neglected to present himself for muster was subject to trial by court-martial and punishment as prescribed in the act. There was another act, April 18, 1814, which prescribed that courts-martial "for the trial of militia, drafted, detached, and called forth for service of the United States," should be composed of militia officers only.

In 1820 the Supreme Court (Mr. Justice Washington) decided that since the statute was silent as to who should convene the court, the Federal Government and the States had concurrent jurisdiction. The modern existing law omits to prescribe any definite punishment. Moreover, in prescribing the composition of courts it mentions only the case of militia in the service of the United States, omitting reference to those who are called and refuse to come. The prior existing law is expressly repealed, and the whole question is in worse shape than it was in 1820. These loosely drawn laws, taken together with the fact that there is no uniform enlistment contract, and in some cases practically no contract at all, offer loopholes through which the guilty will

undoubtedly escape. Like the provisions discussed under the preceding subhead, they place the Federal Government in such a position that at the moment of greatest danger, when quick decisive action is of the most vital importance, the Federal Government will be powerless to act without the good will and the intelligent cooperation of the chief executives of 50 different States.

3. Lack of discipline: The militia of Pennsylvania, New Jersey, Ohio, Kentucky, Virginia, Tennessee, and Florida have mutinied in large bodies in the face of the enemy or during the progress of a campaign. With a loss of but 8 killed and 11 wounded, 5,000 militia of Maryland, Virginia, and the District of Columbia were routed by an inferior force and allowed the city of Washington to be captured and burned. Gen. McDowell's entire force of militia fled in panic at the first battle of Bull Run.

These acts, while chargeable to the militia, could be charged equally to any untrained troops. The present Organized Militia can not be classed as such. Their state of discipline is good, and in many cases no doubt they would acquit themselves with the highest credit; but the existing law does not guarantee that the militia which will turn out for war is the militia which turns out for drills and parade in time of peace.

4. Short term of enlistment: Under the old militia laws the militia was usually called out for short terms of from three months to nine months. The result was that it was hardly trained before it was mustered out. Battles have been precipitated because of the approaching termination of enlistments, and whole armies have been mustered out of the service upon the verge of a campaign.

Upon this question Washington said, on January 4, 1776:

"Search the volumes of history through, and I much question whether a case similar to ours is to be found, namely, to retain a post against the flower of the British troops for six months together, without powder, and then to have one army disbanded and another to be raised *within the* same distance of a reenforced enemy. It is to attempt too much."

In making this comment, Washington referred only to the history of the past. If he had been able to foresee the history of the future, he would have witnessed many similar instances, the latest of which was during the Spanish-American War, when the Volunteers organized under the act of April 18, 1898, were disbanded, to be replaced by those organized under the act of March 2, 1899.

Because of short-term enlistments 576,000 troops were engaged in the War of 1812 against a force of about 18,000. Sixty years after the war the number of pensions was three times the total force of the enemy the first year of the war.

The provisions with reference to short-term enlistments have been improved to a very great extent, but there is a provision that no man shall be held beyond the time of his existing enlistment in the militia. The terms of enlistment and the conditions of discharge are in the control of the States. These two provisions, together with the one which practically requires the acceptance of all militia offered, place the United States in the position of having to accept short-term militia. Thus the situation so much deplored by Washington will, in all likelihood, be repeated.

5. Arms and equipment: The provisions of the old militia law to the effect that every man should provide himself with his own arms, ammunition, and equipment was so impracticable that it is hardly worthy of discussion. There is a real significance, however, in the fact that such a provision is essentially different from one which requires not only that he should be supplied by the Federal Government with arms, ammunition, and equipment, but in addition should receive Federal pay.

Under the act approved January 21, 1903, as subsequently amended by the act of May 27, 1908, there has been a complete reorganization of the militia with reference to organization, arms, and equipment. The recommendations of Washington in this matter have finally been put into effect, and the organization, arms, equipment, and training of the militia is required by law to conform to that of the Regular Army.

To sum up: The peace organization of the militia, its discipline, training, arms, equipment, esprit de corps, and real efficiency have been wonderfully improved. Its officers and men are zealous, patriotic, and enthusiastic, not only willing and anxious to perfect themselves in their duties, but bright, intelligent, and capable; but they stand in the position of a willing team in a rotten harness.

The war organization is worse than it has ever been. That is to say, the laws governing the transition from peace to war, from the service of the State to the service of the United States, are more indefinite and more liable to lead to confusion and embarrassment than they ever were in the past.

Remedy: The remedy is to follow the advice of Washington: In time of peace prepare for war. In time of peace the Organized Militia should enter a definite contract which could be legally enforced. It should be inspected, accepted, and listed, and the United States should be relieved of all obligation to accept the service of any militia other than that listed prior to the outbreak of war.

The Federal pay bill: The enactment of the Federal pay bill would place the Organized Militia in the first line of national defense. It would give us, at little expense, a substantial addition to the permanent military establishment. But it seems only fair to require that there shall be some definite, tangible, and positive return for the investment. A high state of efficiency in the militia will be of little avail if the militia does not turn out in time of war, or if raw recruits are substituted for the trained officers and men.

In order to guarantee to the United States a positive return for the money invested in pay to the militia, it is recommended that the bill be amended by the addition of the following proviso at the end of section 5, namely:

"*Provided*, That no money appropriated under the provisions of this act shall be paid to any person who is not suited to the military service according to the standards prescribed by the Secretary of War, nor shall any such money be paid to any person who has not taken the oath of allegiance to the United States, including an agreement to render military service to the United States during any period for which he may be called into such service, and any officer or enlisted man of the militia who, having received pay under the provisions of this act, neglects or refuses, under any pretext whatsoever, to present himself for muster when called into the service of the United States shall be subject to trial by any court-martial which the Secretary of War may direct, and upon conviction shall be adjudged guilty of the crime of desertion and shall be punished as such court-martial may direct: *And provided further*, That nothing in this act or in any other act shall be construed to require the United States, in time of war, to accept the services of any militia organization or of any person belonging to such organizations unless such organization or person has been regularly inspected, reported fit for military service according to the standard prescribed by the Secretary of War, and so carried upon the rolls of the Adjutant General of the Army."

As thus amended, it is recommended that the bill receive the heartiest support of the War Department and the administration.

Very respectfully,

L. W.,
Major General, Chief of Staff.

Mr. CLARK of Missouri. I yield three minutes to the gentleman from Pennsylvania [Mr. NICHOLLS].

Mr. NICHOLLS. Mr. Speaker, along with a number of other Members of the House, and I hope a majority, I am opposed to this measure and desire to see it defeated.

Some of those who have presented the matter and argued for the adoption of this bill have said that it would be an economy. It seems to me that we can not add millions to the expenditures of the Government for purposes of preparation for war and at the same time reduce expenditures. It seems to me that the larger we grow in population and in wealth the more some of our people become afraid, and notwithstanding the hundreds of millions of dollars that are expended each year to protect the country, we have heard Members stand upon the floor of this House and say that we are without defense; that the Japanese and other nations might come in at any moment and overwhelm us. What has been done with all the hundreds of millions of dollars, if we are not prepared? Why waste any more of the hard-earned money of the people along these lines? Notwithstanding our tremendous increase in population, the expenditures per capita for purposes of war, preparation for war, and on account of wars that are passed are continually increasing, and those per capita expenses are now greater than at any time in the history of the Government.

In looking up some data a year ago I noticed that in 1861 the expenditure per capita for all the people in the United States—men, women, and children—was $1.17 for the Army, the Navy, and pensions. For the year ending June 30, 1910, it was $4.80. I think it would amount to about $2 per month for the average family of five. In all other lines of business it is a fact that the greater the establishment, the larger the business, the more cheaply it can be conducted per unit; but in this case the larger we grow the more the burden is upon each member of the Nation, and that seems to me to be a ridiculous proposition. When we were much smaller in population our forefathers and those who inhabited the country at that time were able to take care of it and preserve it and to extend its boundaries until it reached from the Atlantic to the Pacific.

Although the Regular Army has been increased over 100 per cent in recent years, there are those who favor a further increase in numbers; 125,000 being the present ambition of some. Rather than the recent increases in numbers, I believe it would have been wiser to have given better pay to the privates, so that men would remain in the Army and become thorough soldiers. As it is, the pay is small and one term is enough for most of them.

While our alarmists are crying out of danger from foreign foes, the press dispatches from abroad quote members of the German and other parliaments as urging increases of armament because of our great increases. We are the one great Nation, best situated, by reason of our isolation, to set an example for peace to the rest of the world. We need not wait to be followers.

Let us stop in a great measure these wasteful expenditures for war and spend more for peaceful pursuits. We should loan money to our people at reasonable rates of interest—2 per cent—and enable them to stock for cultivation the land which is being reclaimed by the Government. Our citizens will go on the land when financially enabled. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, I yield four minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, the gentleman from Pennsylvania was much more painfully candid than the other gentlemen who have been discussing this bill. He admitted that it would virtually increase the standing Army to about 175,000 men. That is exactly what this bill does. It destroys absolutely every vestige of the State Militia as known in the Constitution. But I do not expect, Mr. Speaker, to discuss this feature of the matter in the very short time that is allotted to me. I want to warn the gentlemen of this House that you will be placing in the hands of the War Department a political force and a political organization that is infinitely more dangerous than any other peril in the Government. Because in every community you may not only destroy the high personnel of the militia with this bill, but you will increase the number of undesirable enlistments in order that they may get the small pay of about $4 a month; and each of these organizations will multiply for the purpose of obtaining the $4 a month, and after they shall have been in

the State Militia for a short time and have drilled one night in a week, or 52 drills in a year, then they will demand increased pay.

The Secretary of War, through the War Department, can communicate through every adjutant general, and he with the colonels, and they with the captains, and the Army will in this way build up a political influence that will be supported by all the relatives of the members of the militia in every community throughout the country, and you will have every military company in every congressional district demanding of every Congressman to vote to increase the salary to half pay for the militia. And if a Member of Congress takes a patriotic position and says, "I will not make this new raid on the Treasury," and then his opponent, who may have a little strength, tells the boys that he will give them half pay, they will fill the Halls of Congress with their friends, and by joining hands with the other employees of the Government, the Treasury will go out of your control and go into the hands of the employees of the Government.

Why, even now the rural letter carriers, who are few in number, are able to build fires under Congressmen here, and you see how readily and how willingly they vote for increased pay. You let these men strike hands with the little militia companies throughout the country and begin a demand for increased pay, and they in turn join with the fourth-class postmasters, and the fourth-class postmasters join the other employees, and you are placing a political power in the hands of the people who draw salaries to the extent that it will be doubtful whether Congress will be able to control the expenses of the Government.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. BURKE of Pennsylvania. Does not the gentleman think that Congress ought to be made strong enough to resist any such demand?

Mr. SISSON. It does not seem to be, when the State militia of his own district now has influence enough to get the gentleman to be very enthusiastic over this bill. You will have to get stronger timber than the gentleman is to resist the increased appeal on the part of the State militia after it has been increased under the provisions of this bill. [Laughter and applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I am sorry, Mr. Speaker, that I have not more time. [Applause.]

Mr. DALZELL. I yield three minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I do not desire to take the time of the House in discussing this question. I want to say that I am most heartily and earnestly in favor of this bill, as I think it will add to the efficiency of the National Guard of the United States. I am confident that it will add greatly to the efficiency of the National Guard in the great State of Pennsylvania. I am proud of the National Guard of Pennsylvania. We have an organization there that the citizens are proud of, and I am anxious to see that guard increased in any way that is possible. I remember with a great deal of pleasure, when the Spanish-American War broke out, the call made upon Pennsylvania was filled instantly by members of the National Guard. We had an army ready equipped, drilled, efficient, which started forth, and they did not require months of drilling to bring a mob into Army efficiency. We had a National Guard ready, earnest, and willing to defend the country. I therefore am most heartily in favor of the measure and hope it will become a law.

Mr. DALZELL. I yield three minutes to the gentleman from Ohio [Mr. KEIFER.]

Mr. KEIFER. Mr. Speaker, there seems to be a good deal of a scare about the militia this afternoon. I have heard it said by two gentlemen that there is a provision in the Constitution of the United States requiring the States to drill the militia. I do not find it. It is not there. In the preparation of the Constitution of the United States one of the things most prominently considered was to give to the Chief Executive of the United States the control of the militia. In speaking of the power of the President the Constitution of the United States reads:

> The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States.

Now, this militia service is distinguishable from the Volunteer Army such as we have had from time to time when we have gone to war.

The power was given to the President of the United States to command the militia, and that implies a right if not a duty to have a militia. Early in the history of this country all of the States, I think, were required to have common muster days every year, and there were penalties attached to those within a prescribed age for not attending the musters. I am old enough to have gone to an old-fashioned muster. The Constitution is also plain on these subjects. Section 8 of Article I of the Constitution, speaking of the powers that are granted, it is provided that Congress shall have the right—

> to make rules for the government and regulation of the land and naval forces.

It does not necessarily include the regular forces. Also the same article of the Constitution of the United States grants to the President the right—

> to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

And also:

> To provide for organizing, arming, and disciplining the militia.

It seems to me there is no difficulty about the constitutional powers.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. KEIFER. Not now. Mr. Speaker, I have always been a stickler for State rights. I believe in the right of the States over those matters which are exclusively within their jurisdiction, but where the Constitution gives a specific right to the Federal Government and the States have the same rights, then the United States asserting its right is supreme, and that is all there is of it. If we are to depend in the future as we have in the past upon the Volunteer Army, let us prepare the militia so that when called into service, as they may be under the provisions of this bill if it becomes a law, they will be drilled and trained, so that they will be ready for battle and for duty. That is the whole question involved here to-day. Some say we are going to take away the right and power of the States over the militia, but I say the bill will take no power from them. The militia will still be and remain State troops, and I think in every instance under the constitution of every State in the Union the governor of the State will remain commander in chief of the militia unless the time comes when they may be called or mustered into the Volunteer Army of the United States. The provisions of the bill are only the ordinary ones with reference to the power of the Secretary of War to reject an organization or a man if not found up to the proper standard of efficiency. Such is the law now, and this bill, should it become a law, will not change it. The provisions of the bill are wise ones.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Speaker, I yield eight minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I am in favor of legislation which will increase the efficiency of the Organized Militia, but I am unwilling to vote a dollar which will result in increasing the Regular Army; and if I believed this bill were in the interest of the National Guard, I would be in favor of it, but it carries with it provisions which, in my judgment, will render inefficient instead of efficient the National Guard of the States. The gentleman from Pennsylvania [Mr. BURKE] and the gentleman from Connecticut [Mr. TILSON] have advocated this bill on the ground of economy. I can not see where the economy comes in. If by the passage of this bill we could take from the expenses of the Regular Army, I might be inclined to vote for it, but we must appropriate the same amount of money for the Regular Army that you now appropriate, and you are going to appropriate in addition what this bill authorizes for the National Guard.

What are the influences behind this bill? The gentleman from Minnesota [Mr. STEENERSON] says that this bill is advocated by the Secretary of War and the Chief of Staff, and I believe this bill never would have seen the light of day and never would have left the committee room unless the amendments suggested by the War Department had been put upon it. What is the history of this legislation? This originally was a bill prepared at a national convention of the National Guard of this country, and when it came to Congress for its approval it was sent to the War Department, and the War Department declined to approve it until they prepared an amendment which placed the National Guard of this country entirely under the administration of the War Department and makes the National Guard a part of the Regular Army.

The amendment proposed by the War Department provides that "no money appropriated under the provisions of this act shall be paid to any person who is not suited to the military

service according to the standards prescribed by the Secretary of War." What does this mean? It means that every officer and enlisted man now in the Organized Militia can be dismissed by the Secretary if they do not comply with regulations and standards prescribed by him. The States and their regulations would be entirely ignored and set aside.

Mr. Speaker, the military men of this country—a large portion of them—are seeking to build up in this country a military spirit. [Applause.]

I know that the Chief of Staff and those under him are constantly telling this Congress, and the people of this country, that we must build up a great force in this country in order to repel—what? Who is undertaking to hurt us or make us afraid? There is no danger from any source of which I know. Why, the very fact that in three days we agreed to a treaty with Japan shows that there is no danger from that country [applause], and the fact that no other country in the world is undertaking to do any harm to us or to interfere with us shows that there is no necessity for all this talk about war and the preparation for war. This is another scheme to add to and magnify the importance of the Army. It is not done for and it will not result in the efficiency of the National Guard. The very amendment proposed by the War Department contains in it, as has been so well said by gentlemen who have preceded me, provisions of the most outrageous character. Why, the gentleman from Pennsylvania [Mr. BURKE] said in answer to a question from the gentleman from Arkansas [Mr. FLOYD] that the reason why they did not require from the enlisted men in the Regular Army an agreement that they should serve the country was because they have to serve during the term of their enlistment. Why, of course; but this provision provides that after the man has served his term of enlistment he must be at the beck and call of the United States, and that he can not escape from it under any pretext whatever. It is not a parallel case at all to the enlisted man in the Army. The enlisted man in the Army receives four times the pay and all the allowances of an enlisted man, which the National Guardsman does not receive at all, and yet he is compelled to sign an agreement to serve after his term of enlistment has expired. But there is another provision in this bill, and that is the amendment proposed by the Committee on Rules to strike out the words "shall be adjudged guilty of the crime of desertion and" and insert, in line 14, "on the charge of desertion." It does not change the character of it at all.

Mr. DALZELL. If the gentleman will permit, that was put in the bill the other day before the House, and the bill in all particulars, except the one I explained, is as voted on in the House.

Mr. HAY. Then it makes a provision that a man can be tried for desertion, and pains and penalties and imprisonment inflicted upon him. He can have no pretext or excuse whatever if he does not respond to the call, even in time of peace. The provision does not apply only in time of war, but it applies at all times.

Mr. STEENERSON rose.

Mr. HAY. Does the gentleman desire to ask a question?

Mr. STEENERSON. I desire to say the language is the same as in the Revised Statutes in effect, and as contained in the present law. This simply provides that the court-martial shall have jurisdiction, and in the existing law there is no court-martial provided for.

Mr. HAY. The gentleman does not mean to say there is anything in the Revised Statutes which provides that after a man has served his term of enlistment he can be court-martialed as a deserter?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STEENERSON. I thought the gentleman was asking about the court-martial.

Mr. HAY. Not at all.

Mr. DALZELL. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has seven minutes remaining.

Mr. DALZELL. I yield two minutes to the gentleman from Ohio [Mr. COLE].

Mr. COLE. Mr. Speaker, if I thought this bill abridged in the slightest detail the power of the States and the State officials over the National Guard I would not give it my support. There is absolutely no change in existing law provided for in this bill relative to the present duties of the National Guard of the various States. This bill provides for a certain new departure for partial compensation on the part of the National Government to the National Guard, and is the only provision in this bill, so far as I have been able to ascertain, relating to the rules prescribed for the payment of the money to the National Guard. It makes provision that under certain rules and regulations the Secretary of War shall be authorized to make this partial compensation or payment to the enlisted men and officers of the National Guard. It does not transfer the power of giving orders to the National Guard from the State officials, it does not vest in the Secretary of War any additional power whatever in calling out the National Guard. It simply provides that if men fail to respond when they are called out, if they have received pay from the National Government, a court-martial can be instituted. Why, when the National Guard is called out in the States to-day, if a man fails to respond he can be arrested and tried by court-martial just the same as is provided in this law. They say that it is going to give the Secretary of War additional power by giving him the discretion to determine which regiments and organizations shall be accepted in case of war.

That has always been the law of the United States. I fancy that when the National Guard was called out at the time of the opening of the Spanish-American War the Secretary of War was not compelled, without discretion, to accept all troops, whether they measured up to a certain standard or not. Certainly not. That power has always been in the hands of the Secretary of War, and no change whatever is made relative to that power in this bill.

Now, Mr. Speaker, my time has expired, and I ask permission to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DALZELL. Mr. Speaker, I yield four minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, it is a pity that this simple bill should be unnecessarily complicated through the discussion on the floor of this House, particularly on this side of the Chamber. The bill is very simple in providing for a limited compensation to the National Guard, under reasonable restrictions and conditions for discipline. It is acceptable to both the National Guard and to the Secretary of War in its present state. It has been developed by the combined views of both, and it should not be misunderstood. It does not put too heavy restrictions upon the National Guard and put it too much in the power of the Secretary of War. It simply requires reasonable discipline.

On the other hand, it does not give too much compensation to the National Guard. It is limited and reasonable.

Now, Mr. Speaker, it is a pity that every time we come to discuss measures here on their merits, Members on this side should get up and talk about war, militarism, and the military spirit. The truth is that this country is committed to a non-military policy, and ought to be. We embody a civilization that depends upon the citizen as a soldier, and not upon a standing regular army. And furthermore, it is vital to the permanent success of our institutions that the citizen soldiery, when it is called out in a great struggle in the future, whenever that comes or against whatever nation, against a great military system, it is of vital importance to the perpetuity of our liberal institutions that the citizen soldiers should actually be found efficient; because if they are not, if they turn out as they did in the War of 1812 and in previous wars, and this Nation is humiliated beyond anything in its history in the contact with a great military power, then, emerging from that war, we will no longer put trust in the citizen soldiery, but will go to the standing army, like the other great nations of the world. And the fact is, to put the citizen soldiery on a basis of efficiency is the least we can do as a safeguard and as a guaranty to the efficiency of that soldiery, and therefore against its being taken away in the future and being substituted with a great military system.

We should not found this on any such proposition. Even if war did not come for decades, it ought to be a part of our permanent institution to organize our citizen soldiery as the bulwark of our Nation's defense and see that it is efficient.

Beginning with the Dick bill, we have started along the right line to make the National Guard efficient. I have heard it estimated that the efficiency of the National Guard has increased fully 100 per cent since the passage of that bill. And throughout the whole of the land we find that the trouble with our National Guard now is that we can not get hold of the men, we can not ask them to come even and pay their car fares; there is no way that we can get them except by persuasion and an appeal to their pride, and that, of course, in time of peace is very difficult. The great trouble now is to get men to attend drills. With this we would overcome this element of difficulty.

Mr. DALZELL. Mr. Speaker, in the one minute I have I simply desire to call attention of the House to the fact that its judgment has already been had on the merits of this proposition. On Thursday last a motion was made to suspend the rules and pass this bill. Pending that motion, the bill was explained and debated, and the vote resulted in a majority for the bill of in the neighborhood of 50.

At that time opposition was made to the bill in some quarters because section 5 contained an indefinite permanent appropriation. But in the rule reported from the Committee on Rules there has been a section added to this bill, section 6, in these words:

The Secretary of War shall annually estimate the amount necessary for the carrying out of this act, and no money shall be expended hereunder except as it shall be from time to time appropriated.

So that that objection to the bill has been eliminated, and there is no reason, therefore, why the House ought not now to emphasize the action that it took on Thursday last and pass this bill by an increased majority. I call for the reading of the bill.

The SPEAKER pro tempore. General debate has expired.

Mr. CALDER. It is not my purpose to discuss the measure now under consideration. I am, however, very much in favor of it. I believe it will tend to improve the efficiency of our State militia. The citizen soldiery of the country has been its bulwark in its hour of need, and this measure will do much to keep our State troops in a state of preparedness. I propose taking advantage of leave to extend my remarks in the RECORD by printing a brief sent to me by Mr. George F. Buente, formerly a warrant officer in the United States Navy, giving his views on House bills 18020 and 25714. These bills are in the interest of the warrant officers of the Navy and were introduced by me early last session. I have repeatedly requested the Committee on Naval Affairs to grant me a hearing on these bills, but have been unable to obtain consideration for either of them. I propose introducing them in the Sixty-second Congress, and am hopeful that both bills may receive favorable action in that Congress.

House bills 18020 and 25714 were introduced for the purpose of giving to warrant gunners, boatswains, and carpenters a little more pay in their later years, and also distinguishing titles which will identify them against various pothunters and others who have the name of gunners and boatswains, which are the present titles of some of the warrant officers whom these bills are intended to advance.

To become warrant officers in the Navy, especially with the rank of boatswain and gunner, it is necessary that a young man shall enlist, and, under the law, must serve at least seven years before he can take an examination for the warrant rank, and must also have arrived at the position of a first-class or chief petty officer before he can take the examination for the warrant rank. When he has passed the above qualifications he must then apply to his commanding officer for permission before taking this examination and run the risk of having his application approved or not. Not securing this approval his future chances of advancement are broken and we have a dissatisfied employee. But should he be fortunate enough to have his application accepted he is then examined.

The board who examines these candidates are composed of commissioned officers of the line, and the examination which they have to undergo is a very severe one. They are assigned to serve at least one year at sea and it frequently happens that owing to the position which they are in, this period is sometimes deferred a year or more, and must then have the approval of all their commanding officers under whom they have served, which sometimes works to the disadvantage of the applicant. They must then serve a period of six years from the date of their warrants before they are eligible for further advancement. After the expiration of this period they are again examined for the position of chief in the various grades and in the event of their passing these examinations are given a commission with the title of chief boatswain, chief gunner, chief carpenter, and so forth, and have the rank with but after ensign. The officer at this time has arrived at the age of approximately 35 years, and has served, using the average class of boatswain in the Navy, about 17 years. It is in this period of a man's life that his mental and physical powers are at their maximum, and it is also at this period that they arrive at a point where their ambition is killed for the reason that future promotion or advancement of pay is denied them with the exception of very isolated cases where some of these men have been further promoted to the rank of ensign in the Navy. The above we can well consider as the end of the ambitions of the young men who enter the Navy through the ranks.

We will now take up briefly what happens to a young man who enters the naval service through the academy at Annapolis. These young men are selected by regularly constituted officers of the United States and are then ordered to Annapolis. After having passed satisfactory examination they are admitted to the Naval Academy under instructions. The course at the academy is four years, and upon their graduation are sent to sea for two years for further instructions. Upon the completion of this sea duty they are commissioned ensigns of the Navy, which position they hold for three years, and are then promoted to lieutenant (junior grade). Owing to existing conditions in the upper grades of the line in most every case these young men are promoted almost immediately to full lieutenant. These young men have now arrived at the age of approximately 28 years and their career has just begun.

THE MANIFOLD DUTIES OF THESE OFFICERS.

The chief boatswain—the proposed equipment ensign—is the right hand of the executive officer, who is also the equipment officer on board the modern battleship, and so forth, and under his direction receives and cares for all equipment stores and outfit, handling of crew, anchors, chains, and so forth, storing of boats and holds, in charge of decks, standing deck watches, and drilling of crew. In addition to the above, this officer is subject to call in the performance of various other responsible and important duties appertaining to a battleship, or other ships of the Navy, and is often placed in command of seagoing tugs and other small vessels of the naval service, and while on shore he frequently acts as assistant inspector of equipment, and so forth.

The chief gunner—the proposed ordnance ensign—is the valuable assistant to the ordnance officer and receives and cares for all ordnance stores and outfit, including guns of all descriptions, gun mounts and their appurtenances, all ammunition, submarine mines, torpedoes, and diving apparatus. He personally inspects daily all magazines, shell rooms, and all explosives appertaining to both the great guns, secondary batteries, and small arms, as well as torpedoes and submarine mines. He is held responsible for their readiness for action at all times. He is also assistant to the navigator in the care of the electric plant on board ship, including the electric wiring, dynamos, search and signal lights. He is also an expert diver, and has charge of all diving done from ships in commission. He is frequently placed in charge of a deck watch and division duty, drilling of crew, and in command of tugs, torpedo boats, and submarine boats, and in charge of, or assistant, at magazine and powder depots on shore, and as assistant inspector of ordnance at navy yards and contractors' plants. They are the assistants of the navigator and the executive officer of the ship, but really perform these duties and are held responsible for the various conditions committed to their grade.

An ensign after graduation acts as assistant to the deck officer and occasionally drills the lower divisions in the ships in which there are not a sufficient number of lieutenants or watch officers when they assume their various duties. They really are in the position of a postgraduate course in practical man-of-war's-man ship. The officers with the rank of lieutenant are the watch and division officers of the ship, each drilling his division in the various duties and taking his regular term in having charge of the deck during the period that he is aboard ship, none of the duties of which are considered technical or beyond the capabilities of the chief boatswain or chief gunner. At this point, gentlemen, I want to call to your attention the fact that the duties demanded of the ensign and junior lieutenant are also undertaken and performed by warrant officers and commissioned chiefs in the duties according to their grades, which would show you, gentlemen, that up to this point in their careers the warrant officers and commissioned chiefs are compelled to do exactly the same duty, in addition to other men's duties, laid down by the regulations; so that, in the event of there being no line officers in this grade, the warrant officers and commissioned chiefs have been educated to the point where they will take up the work of the officer in this grade.

The pay of the lieutenant at approximately 28 years of age is $2,400 per annum; the pay of the commissioned chief at 37 years is $1,700 and rank as ensign of the Navy. It seems, in view of the duties demanded of these officers, that these men have educated themselves to the point where they have performed the same duties as those educated by the Government at the cost of $30,000 each. Up to this point I have paralleled the duties of these two grades of officers, showing the duties of each and also the amount which the Government expended on these officers for their services, the one officer serving nine years and the other 17 years. A further duty assigned to the warrant officers and commissioned chiefs, which is of recent arrangement, is in connection with the boards of inspection throughout the various navy yards, and so forth, where their

services are demanded. To each of these boards of inspection is appointed a line officer above the rank of lieutenant, whose duties, as I understand it, is for the inspection of all materials manufactured by the Government and under the Government's specifications. This work is naturally of a technical nature, and it is very rarely that any man at the age of 40 may become proficient in all the lines covered by an inspection officer (especially where they have had little experience on account of their duty continually on shipboard), which goes to make up the work appointed by the Government.

The duty of inspecting these various materials and apparatus devolves on the warrant officer and commissioned chief on account of their special fitness for this particular branch of work. After the work has been inspected by these officers, their reports are submitted to the officer, as we shall designate the chief inspector. The report invariably follows on the lines recommended by the practical men. The very fact that these men are assigned to these duties indicates the department's knowledge of their peculiar fitness for it, which I urge upon the gentlemen of the Naval Committee.

Throughout the various training stations where technical training of the enlisted force is necessary, the warrant officers, commissioned chiefs, and petty officers are the instructors in every case, the classes being nominally under the officer of the line, but the duties of instruction devolving entirely upon the gentlemen whom this bill will benefit. You will notice in both of the paragraphs above that a line officer is nominally in charge, but the actual work being performed by the warrant officers and the commissioned chiefs. Another duty to which these officers are assigned is the command of the various Naval Militia vessels which the Government has turned over to the various States and in whose care both officers and enlisted men are instructed in the duties demanded of them by the warrant officers and commissioned chiefs. These seagoing officers are further placed in command of Government vessels, and valuable property of the Government is intrusted to their care.

Another very important duty is the storing and preparing of the ammunition for the service, the duty of which devolves upon these officers, and the preparing of the stations for the various storehouses and magazines, and in a great many instances have been entirely revised and adopted by the Government upon the recommendation of the warrant officer and commissioned chief stationed there, thus showing that the training of enlisted personnel throughout the service, both technically and practically up to the point of reaching the grade of commissioned chief, is done by these officers.

In connection with the duties of these warrant officers and commissioned chiefs it is very noticeable that the title with which they have been dubbed in the past is very misleading and not appropriate.

The proposed change in titles is in line with the vast changes in the Navy from the old to the new. It is fully realized that the title of boatswain and gunner is a tradition as old as the Navy itself; so are the wooden sailing frigates, and so forth, with their rigging, sails, and deck tackle, smoothbore guns and wooden carriages, hemp breeches, side and train tackles, and crude ammunition. In fear, therefore, of traducing tradition it is thought best not to ask that the title of boatswain and gunner be abolished, but the title of chief boatswain and chief gunner being comparatively of recent origin, it is thought perhaps there would not be the same sentiment against the change.

It is claimed that the title of chief boatswain or boatswain, chief gunner or gunner, carpenter or chief carpenter, is now a misnomer in the Navy, as it certainly does not clearly designate the present duties assigned to these officers, either afloat or ashore. To the novice or civilian it is construed to mean that the chief gunner is the chief gun pointer, or the man who fires the gun. This erroneous idea is obtained from the daily press, which invariably dubs all gunners as men who fire the guns, such as gunners and master gunners of the Army, gun pointers of the Navy, as well as bird and trap shooters in the field of sports. In their category, anyone who fires a gun of any kind or shape is to them a gunner. Hence, when a chief gunner or gunner in the Navy is catechized as to his official position in the naval service invariably the question is asked, Are you one of the men who fire the guns? And generally it is a hard matter to convince them otherwise.

It is true the title of equipment ensign might not be as applicable to chief boatswain as ordnance ensign to chief gunner; nevertheless chief boatswains also suffer from the ambiguousness of their present titles. Therefore it is thought that the proposed title of equipment ensign would be in line with the title of ordnance ensign and more applicable to their present duties, as well as avoiding friction or objection at the Navy Department, both grades being included in one recommendation.

It is thought and strongly urged that the proposed change of title from chief boatswain, chief gunner, and chief carpenter to that of equipment, ordnance, and carpenter ensign would clarify somewhat and define the present ambiguous titles now held by these officers, bringing to them a more satisfactory and dignified title and properly classifying them in accordance with the manifold duties assigned to them in their respective departments.

These new titles will not in any way conflict with the titles now held by either the present line or staff officers, but will at once place them in a class where they professionally belong, and give to them an official designation which will clearly define what they are and what duties they perform.

Referring to section 4 of the proposed bills presented, which provides that the equipment, ordnance, and carpenter ensign after 30 years' service, and having served 10 years as a commissioned officer with a creditable record, shall upon retirement be retired as equipment, ordnance, and carpenter lieutenant, respectively. Perhaps this section may appear to be paradoxical when referring to the claim of the officers concerned that they do not ask in their bill for increased rank, but it should be recognized that this proposed increased rank on the retired list is merely an honorary title, and which will not in any way conflict with rank or precedence of those of the line on the active list; thus it could not meet the same objection as if it referred to the active list. Therefore it is earnestly solicited that your committee will see its way clear to approve this concession as a reward of merit to these officers for their long and faithful service, as well as to place them in a dignified position during their honorable old age.

You will note that this bill positively does not ask for any additional rank for any of these officers except for the honorary rank at the time of 35 years' service, when he retires; and, gentlemen, let me tell you that the Government would be lax in its judgment of these officers if it did not give them some small remuneration after spending their entire life in its service. Concerning the modest request of the bill in the matter of financial increase, it seems that the pay and allowance of these commissioned officers is insufficient for their common existence at the present time when the country is in arms at the exorbitant price for the necessities of life, and they have stood in the same relative position during the past 10 years notwithstanding the fact that the increase in cost of existence has in most cases increased 100 per cent. Is it, then, asking too much to advance them upon a fair and reasonable pay after a willing and faithful service when the same pay, including rank, has been given to the young men whose services have not been one-tenth the value of these faithful men, and who have, in the meantime, probably been trying to raise a family in the way that naval officers should raise one?

It would also act as a strong incentive to the enlisted petty officers and others to aspire to the warrant grades, which they do not do as a class. It would also give them a future to look forward to in their naval career. Likewise there should be an equal incentive to all who reach the commissioned grade of chief. These officers have no future whatever before them, they having reached the height of all preferment at an average age of 35 years, receiving an annual salary, including longevity, amounting to less than that received by a young lieutenant (junior grade) just commissioned, and this is all they have to look forward to during their whole future in the naval service, while the young lieutenants, by rapid promotion, leave them far behind in a few years. By way of illustration, the chief gunner now heading his grade on the active list was appointed gunner in 1870, and all midshipmen who graduated in that year and now in the service are either rear admirals or captains.

It seems to me that the Navy Department is very short-sighted in not lifting these men up a notch rather than their studied position retarding their advancement. This would be the means of the enlisted forces of the Navy taking a greater interest in their duties and probably an incentive for the future reenlistments which the Navy at present is in such a need. On this point let me quote you from the Navy Department records showing a reenlistment during the year 1909. This table is taken from the United States Naval Institute Proceedings, No. 132, December, 1909, volume 35. We had in the service at that time some 40,000 men, of whom approximately 30,000 were in their first enlistment, 5,800 in their second enlistment, and 1,600 in their third enlistment.

This will show conclusively to you gentlemen that there is not sufficient inducement in the Navy at present to demand the interest and self-sacrifice of the enlisted personnel, and something must be done by which they will be stimulated, so that the Navy can have in time of need a sufficient number of trained

man-of-war's men. It is a well-known fact that it requires at least two enlistments to make a man-of-war's man, and if out of a total of 40,000 only 1,000 reenlist you have but a nucleus of 2 per cent to do the work. Is not this deplorable? Let us now take up in short order the United States Revised Statutes, as follows:

Congress by act of March 3, 1899, gave the chief boatswains, and so forth, the rank of ensign, but the Navy Department, through Navy regulations, had delegated these officers just one notch below all ensigns. When I say the Navy Department I mean the leading officers stationed at the Navy Department. These officers are advisers to the Secretary of the Navy, and as such prepare and give him all the information on any subject that he wishes. Whether these officers have been true to their trust, I will let you gentlemen judge from my arguments, as will follow.

The act of March 3, 1899, created the different corps of commissioned chiefs, viz, chief boatswains, chief gunners, chief carpenters, and chief sailmakers.

The act of April 27, 1904, changed the act of March 3, 1899, reducing the time to six years. That commendable law gave some promotion and would have been very efficient had the Navy Department carried out the law as it stands on the statute books, and with the same spirit which prompted Congress to enact that law. But instead, the Navy Department, by regulations, and so forth, has interpreted the law to cheapen the grades of chiefs.

First. As to the status of rank and precedence. The law states "to rank with but after ensign." The Navy Department has interpreted that to mean that all ensigns rank ahead of and take precedence over all chiefs. The chiefs claim, and I think justly so, that is not the law. The law says that they shall have the rank of ensign, and "with but after" must mean that each chief comes right after some specific ensign whose commission antedates the commission of that particular chief. That is the Navy Department's interpretation of all other officers, such as civil engineers, paymasters, and so forth, who rank with ensign. Why this discrimination against the chiefs? The ensign and other officers of similar rank outrank the chiefs after three years' service, when they are promoted to the grade of junior lieutenant. It certainly is not justice to give a chief the rank of ensign and then nullify that law by department regulations. Article 28, paragraph 2, United States Navy Regulations, 1909, reads as follows:

> After six years from date of warrant, boatswains, gunners, carpenters, and sailmakers, respectively, if duly qualified, are commissioned chief boatswains, chief gunners, chief carpenters, and chief sailmakers, to rank with but after ensigns. On the active list of the Navy these commissioned warrant officers take precedence after ensigns and of each other according to the dates of their commissions.

This article does not quote the law. The law is, "with but after ensign," and not "with but after ensigns," which puts the plural on ensign. If Congress intended that all chiefs should take precedence after all ensigns, that law would have read "ensigns;" but it reads "ensign," consequently such was not the intent of Congress, and it would certainly not be right to put a class of officers, with an average of about 17 years of service when reaching that grade, behind all ensigns now in the service and that may become ensigns in the future.

Naval Academy graduates are commissioned ensigns after a course of four years at the Naval Academy and a course of two years at sea, or after taking some special course, as at the Polytechnic Institute, at Boston, and these courses are given them at no expense to themselves, but at a public outlay amounting to $30,000 for each one. Officers such as assistant paymasters and civil engineers, who rank with ensigns, are appointed directly from civil life, and therefore receive that rank on their first day of service, whereas chief boatswains and chief gunners have to serve at least seven years at sea as enlisted men before they are eligible for appointment as warrant officers, then six years as warrant officers, when they are promoted to commissioned chief and rank with an ensign, and are then delegated by Navy Regulations to take precedence after all other officers who have the rank of ensign now in the service, or who may in the future be appointed; and no enlisted man is eligible for appointment as a warrant officer who has not served as a first-class or chief petty officer, and has been at sea for at least seven years; so you see they must be the very cream of the enlisted personnel and have a long and weary road to travel, and their education has not cost the public one cent. As a matter of fact the average service as enlisted men of the boatswains and gunners is about 11 years, then 6 years as a warrant officer, thus a total length of service of 17 years before they reach the grade of chief, with the rank with but after ensign, which gives them the pay of an ensign; and there they remain for the rest of their lives.

Second. The titles of the chiefs. The act creating the chief grade gave these officers a positive promotion with a commission with certain titles and are by law chief boatswains, chief gunners, chief carpenters, and chief sailmakers. The Navy Department has by regulations dubbed these officers commissioned warrant officers. This title has been objected to by the commissioned chiefs, and appeals have been made to the Navy Department to that effect, but the Navy Department has refused to change the regulations, thus refusing to obey the law established by Congress. The title "commissioned warrant officers" is very misleading and unjust, as it infers that the chiefs are still warrant officers, which they are not. By law chiefs are commissioned officers with the rank of ensign. To draw the committee's attention to this, the following reading will be found in House bill 27844 in several places when speaking of this class of officers and warrant officers (both commissioned and warranted), which goes to show that the Navy Department consider the commissioned chiefs as warrant officers. Attention is respectfully called to Article XXIV, paragraphs 2, 4, and 5, also Article XXX, United States Navy Regulations, 1909, where these officers are classified by regulations. If the Navy Department is then allowed to classify commissioned chiefs as commissioned warrant officers, why not officers appointed from civil life as "commissioned civilian officers," and so forth, without end. What is the object of the Navy Department to thus classify these officers, and furthermore, contrary to law, but to cheapen the grade of chief and make it generally understood that they are still warrant officers?

Third. The uniform. The chiefs: Although given the rank of ensign by law, the Navy Department has persistently refused to give these officers the uniform to which their rank entitles them. Appeal after appeal has been sent to the Navy Department by these officers that they be allowed the proper uniform of their rank. These appeals have as often been refused by the Navy Department. All other officers in the Navy who have the rank of ensign are allowed the uniform of that rank. Each and every corps in the Navy has a distinctive corps device which is worn on the collar, shoulder marks, and so forth, but the sleeve marks very distinctly designate the rank. An officer with the rank of ensign wears a gold stripe one-half inch on the sleeve. This is not allowed the commissioned chiefs. They wear a gold stripe, but it is broken with blue silk. All officers except the commissioned chiefs are allowed proper full-dress and social-dress uniforms. This is very unjust and humiliating to these officers when they have to appear at official ceremonies, and so forth, and among officers of their own grade in foreign navies, and thus placing them at a disadvantage, very much to their humiliation and discomfort.

Fourth. Their standing as officers in line of command, and so forth. The Secretary of the Navy, in his letter of comments on House bill 18020 to the chairman of your committee, states the following regarding warrant officers: They take rank or precedence next after midshipmen and ahead of all mates. The Secretary is merely quoting paragraph 1, article 28, United States Navy Regulations, which is contrary to law. Section 12 of the act of March 3, 1899, reads, in part, as follows, referring to chief boatswains, chief gunners, and so forth:

> That nothing in this act shall give additional right to quarters or to command.

Therefore it follows that commissioned chiefs with the rank of ensign also take rank and precedence next after midshipmen. Let us see if the Navy Department's interpretation of the law thus quoted in the Navy Regulations is correct. By section 1410, Revised Statutes, there are only the following officers in the Navy, viz, commissioned, warrant, and petty officers. A midshipman does not hold a commission or warrant, and therefore can not be an officer in the Navy as defined by that statute, and justly so. A midshipman is a young man attending a naval school preparing him to be an officer, and it is a fact that no midshipman has the required practical knowledge to command a fighting ship or to command a fighting division aboard of any ship, which takes years of practical experience to acquire under actual service conditions and can not be taught at any school where only the rudiments are taught. After the midshipman has completed his studies he is given a commission as an officer of the lowest commissioned grade in the Navy, which is that of ensign. The warrant officers and commissioned chiefs therefore justly claim that they must certainly come ahead of all midshipmen, both as to command and precedence. The warrant officers and chiefs have raised themselves to these grades by years of hard work and study in the practical school of the service,

the ship of war, and have passed through several examinations, and therefore there can be no doubt as to their abilities as officers, both in command and otherwise. Again, I think I have shown to you gentlemen the unfair treatment these officers are receiving at the hands of the Navy Department, and have also shown that the Navy Department has no intention of placing these officers in the proper position they are entitled to according to law. Therefore other laws should be passed and so worded that there possibly can not be any mistake as to what they are entitled to by the various acts of Congress.

COMMENTS ON HOUSE BILL 27844.

Regarding section 51 of House bill 27844, which is a personnel bill now before this committee, and which has the approval of the Secretary of the Navy: The section referred to deals with the warrant officers and commissioned chiefs. Let us examine this section. It will bear me out in what I have stated, that the Navy Department is not giving and does not intend, if they can possibly help it in any way, to give the warrant officers and commissioned chiefs, and consequently the enlisted personnel, a square deal as to promotion.

First. Why should the appointments to the different corps of warrant officers be limited to 20 each year? At present the only corps which is limited to 20 each year is that of the machinist; the department has been unable to obtain that many qualified candidates for machinists each year. At present the grades of boatswains, gunners, and carpenters are not limited, but the President is allowed to appoint the number actually required for the service, and if he chooses he can limit that to 20 each year. Therefore, from the above facts, why this unnecessary legislation?

Second. Section 51 reads, as to the rank, pay, and allowances:

Provided, That the rank, pay, and allowances in the several grades shall be the same as now provided by law for boatswains and chief boatswains, respectively.

The rank we have discussed previously, so you gentlemen know how unjust to these officers the law has been interpreted by the Navy Department in the Navy Regulations. As to pay: The present law provides that this pay in the various corps shall be that of boatswains or the equivalent, so why this unnecessary legislation? As to allowances: If the Navy Department wished to do justice to this, recommendations should have been made so as to include warrant officers in the fuel and light allowance, now allowed by law to all officers excepting the warrant officers. At present all warrant officers are allowed by law two rooms when on shore duty, and when not occupying public quarters they are allowed $12 per room per month, but they are not allowed any light or heat for their rooms, which is allowed all other officers at every station where warrant officers are occupying public quarters. These officers have to pay for light and heat out of their already meager pay, when all other officers stationed at these same stations are furnished both at public expense. This is known to the Navy Department, and comments have been frequently made on this unjust state of affairs. Therefore the department has not done justice to these officers by not recommending the above legislation in section 51.

Third. Section 51 reads:

Provided further, That all warrant officers shall be examined for promotion by such examining boards as the Secretary of the Navy shall designate.

Here, again, is a very unjust and discriminating request by the Navy Department. The Chief of the Bureau of Navigation, in his annual report for several years past, has recommended that the above become a law. The annual report for 1910 reads as follows, on page 7:

The law which provides that warrant officers must be examined by a board consisting of chief warrant officers is often a source of embarrassment to the bureau, as it is difficult and many times impracticable, except at much expense, to assemble such a board, particularly on the Pacific coast. It is frequently impracticable to constitute such a board on foreign stations, and in consequence the examination of officers of these grades is delayed for long periods before an opportunity affords for convening a board. This is an injustice to the officer affected, as he is deprived of the increase in his rank and pay until he is qualified for promotion. The bureau sees no reason why warrant officers should not be examined by a regular examining board, as is the case with all other officers.

It certainly is wonderful that the Navy Department should apparently try to take steps to erase an injustice to these officers, as this report and proposed legislation in section 51 appears to do. But the officers affected claim, and justly so, that this report of the Chief of the Bureau of Navigation is very misleading, and by enacting such laws as is requested in section 51 would be very unjust and discriminating, indeed.

To be able to explain this fully I will have to refer to previous legislation that is now a law on the statute books. As regards the injustice as is claimed in rank and pay by delayed examinations, that is not so. Section 1562, Revised Statutes, clearly defines and eliminates any such injustice, and reads as follows:

If an officer of a class subject to examination before promotion shall be absent on duty, and by reason of such absence or of other cause not involving fault on his part, shall not be examined at the time required by law or regulation, and shall afterwards be examined and found qualified, the increased rate of pay to which his promotion would entitle him shall commence from the date when he would have been entitled to it had he been examined and found qualified at the time so required by law or regulations; and this law shall apply to any cases of this description which may have heretofore occurred, and in every such case the period of service of the party in the grade to which he was promoted shall, in reference to the rate of his pay, be considered to have commenced from the date when he was entitled to take rank.

The above law prevents any such injustice as is claimed.

Section 1491, Revised Statutes, reads as follows:

The President may, if he shall deem it conducive to the interests of the service, give assimilated rank to boatswains, gunners, carpenters, and sailmakers, as follows: After five years' service to rank with ensigns, and after 10 years' service with lieutenants, junior grade.

This commendable law, although somewhat defective in its wording, was put on the statute books by Congress in 1864, and evidently that body thought as early as 1864 that it was to the best interest of the service to give warrant officers more rank. This statute has never been effective and no part of it has ever been carried into effect. Why? Is it not reasonable to suppose that during all these years some of the warrant officers have been worthy of this promotion?

It is due to the very fact that the provisions in that statute evidently were not carried out by the Navy Department; that the present law regulating the examination and promotion of warrant officers was enacted by Congress on March 23, 1899, thus putting the warrant officers on the same status as to examination as is now and has been enjoyed by all other officers of the Navy, as each and every corps in the Navy examine the candidates of their respective corps for promotion; so why the request for this discriminating law against the warrant officers? The warrant officers justly feel that if the change should be made as requested in section 51 by the Navy Department, the effect of the present just law would be null and void, just as section 1491 was ineffective for years.

The examining boards, consisting of commissioned chiefs, have carried out these examinations with credit and fairness, and the candidates appearing before these boards know that they are given a square deal.

Fourth. Section 51:

And provided further, That nothing in this act shall be so construed as to affect in any way the present law regulating the appointment of warrant officers (commissioned and warranted) to the grade of ensign, which law shall remain in full effect.

The law referred to is the act of March 3, 1901. The act of March 3, 1903, changed this so as to allow 12 each year. The act of April 27, 1904, reduced the time of service in the warrant grade for the above-mentioned grades and made them eligible for the examination to ensign from six years to four years. The act of March 3, 1909, included chief boatswains, chief gunners, and chief machinists in the above law. The following tables will show how this law has worked for the 10 years since its enactment.

Mr. HAY. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

Mr. FLOYD of Arkansas. Mr. Speaker, I also ask leave to extend my remarks in the RECORD.

Mr. SISSON. Mr. Speaker, I also ask leave to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. HAY], the gentleman from Arkansas [Mr. FLOYD], and the gentleman from Mississippi [Mr. SISSON] ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER pro tempore. General debate has expired, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That under such regulations as the Secretary of War and the National Militia Board may prescribe the commissioned officers of the Organized Militia of each State, Territory, and the District of Columbia shall receive in compensation for their services, other than at annual encampments or in case of riot, insurrection, or invasion, certain percentages of the annual rate of pay for officers of like grade in the Army of the United States as is now or may be hereafter established by law, as follows: All officers below the grade of general officers, including officers of the Medical Corps serving with troops, 15 per cent, and an additional 5 per cent to the commanding officers of all companies, troops, and batteries; general officers and officers of staff departments serving with general officers, 5 per cent: *Provided*, That each such officer shall have performed at least 75 per cent of the duties prescribed by statutes or in orders by the com-

mander in chief of his State or Territory or the commanding general of the Organized Militia of the District of Columbia, excepting for services hereinbefore excluded: *Provided further*, That no officer shall be entitled to such compensation until he shall have passed such examination as shall be prescribed for officers of that grade by the Secretary of War and the National Militia Board.

With the following committee amendment:

On page 1, line 10, after the word "now," strike out the words "or may be hereafter."

The SPEAKER. The question is on agreeing to the amendment.

Mr. CRUMPACKER. Mr. Speaker, what is the proposition?

The SPEAKER. The first amendment.

Mr. CRUMPACKER. I have no objection to the amendment.

The amendment was agreed to.

Mr. CRUMPACKER. Mr. Speaker, I now move to strike out the section—section 1.

The SPEAKER. The gentleman from Indiana is recognized.

Mr. CRUMPACKER. Mr. Speaker, I dislike to sound a discordant note on this bill upon this side of the House, but I do not believe it is a wise measure. Not only that, I believe it is a very unwise measure from almost every standpoint. It seems that the people of this country are talking more about peace and doing less toward its real advancement than the people of any other great country in the world. Since I have been a Member of this body the Regular Army has been increased about 300 per cent, and the expense of its maintenance has been increased, I should say, more than 300 per cent. I voted for nearly every measure that looked toward the reorganization of the Regular Army and the promotion of its efficiency because I believed it was in the interest of the country.

This measure deals with the State militia, the so-called National Guard. I am opposed to it because I believe, with the gentleman from Tennessee [Mr. GARRETT], that its effect will be to practically destroy the State militia as it has existed in this country for a hundred years or more. It will take from the young men of the country——

Mr. HOBSON. Will the gentleman yield for a question?

Mr. CRUMPACKER (continuing). That spirit of patriotism and local pride that has prompted them in times past to enlist in the militia, and its tendency will be to convert that military or semimilitary organization into an organization of professional soldiers.

The SPEAKER. Will the gentleman yield to the gentleman from Alabama?

Mr. CRUMPACKER. Yes.

Mr. HOBSON. Mr. Speaker, I simply wish to ask the gentleman if he thinks the militia in our last and previous wars has been efficient, and if he would be satisfied with the standard of efficiency displayed in our past wars?

Mr. CRUMPACKER. I think the militia has been more satisfactory in the past than the militia of the future will be, if this character of legislation is carried to its logical conclusion. The appropriations out of the Federal Treasury, of course, must necessarily carry with them a corresponding increase of the duties and obligations of the members of the militia and a corresponding increase of military service and discipline. Complaint is being made all over the country now that it is exceedingly difficult to secure recruits for the militia. And why? Because of the movement to place it under control of the Federal Government in times of peace. The so-called Dick law initiated the movement, and this bill, if it becomes a law, will accentuate the difficulties. The young men who will enlist in the militia in the future will be the class of men who would ordinarily go into the Regular Army—men who desire to become professional soldiers, and not the class of young men who would be prompted to become members of State military organizations from a sense of love of country. Men pursuing the occupations of peace are not inclined to subject themselves to the rigid discipline of the Regular Army, and therefore they will decline to go into the militia under Federal regulation and control with the court-martials and severe penalties provided in this bill. Officers of State military organizations are supporting this measure. It will increase their importance from the military standpoint and will carry some compensation for their service, but when it is generally known what exactions are required, where will the privates come from?

The question of cost is one of no inconsiderable consequence. We propose now to give the State Militia a certain percentage of the pay that is given to officers and soldiers in the Regular Army, and it has been said, with a great deal of reason, that it is but the entering wedge. We propose to pay enlisted men and noncommissioned officers 25 per cent of what is paid enlisted men and noncommissioned officers in the Regular Army.

The SPEAKER. The time of the gentleman from Indiana [Mr. CRUMPACKER] has expired.

Mr. DALZELL. Mr. Speaker, I move that all debate on this paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. STEENERSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEENERSON. Who has charge of this bill now, the gentleman from Pennsylvania [Mr. DALZELL] or myself?

The SPEAKER. The rules of the House take charge, under the five-minute debate.

Mr. CRUMPACKER. Mr. Speaker, am I entitled to the remaining five minutes?

The SPEAKER. If the gentleman will bring himself under the rule.

Mr. CRUMPACKER. I ask unanimous consent that I may proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRUMPACKER. Under the Dick law, passed a few years ago, a charge upon the Federal Treasury of $4,000,000 a year for the State militia was imposed. It has been stated on the floor in general debate, without contradiction, that this bill will involve an expenditure of $6,000,000 a year in addition, and it provides for the payment of only one-fourth of the compensation paid the soldiers in the Regular Army, and 15 or 20 per cent of the salaries paid to Regular Army officers.

I have had experience enough in national affairs, and sufficient observation of the tendency of legislation of this character, to firmly believe that within five years an effort will be made again in Congress, a successful effort, to double the appropriations that are carried in this bill, because in that time the argument will be stronger than it is to-day that some additional inducements are necessary in order to secure enlistments in the National Guard, and the increase will doubtless be made. Do young men now become members of the National Guard in the hope of emoluments? If the compensation system is entered upon, it must ultimately place the National Guard upon the same footing with the Regular Army in respect to pay and allowances and exact of that organization the same service, discipline, and obedience, substantially, as is required of the standing Army. There will then be no State militia.

Mr. GARRETT. Will the gentleman yield for a question?

Mr. CRUMPACKER. I yield to the gentleman for a question.

Mr. GARRETT. Does not the gentleman believe that this legislation will be followed by the withdrawal by many of the States of the amount that they are now appropriating for the support of their militia?

Mr. CRUMPACKER. That would be the natural result, because if the States can secure money to maintain their National Guard out of the Federal Treasury they will be glad to do so and save their own revenue. Then, having increased the pay to 50 per cent, the next move will be to give the National Guard the same pay and emoluments that are paid to soldiers of the Regular Army, enlisted men and officers. The effect of it will be to convert the State militia into a branch of the Regular Army, not only in its duties and obligations, but in its very character, and it will drive from the militia the class of young men—clerks, mechanics, and others—who have formed that organization in the past and who form it now. I want to emphasize that feature of the bill, and to warn Members of this House against the danger of this kind of legislation. It will convert the State militia into an organization of professional soldiers. We all know that in small communities, in the average country towns of 5,000 or 10,000 population, militia organizations are composed largely of young men whose lives are dedicated to pursuits of peace and not to warfare, and they will not submit themselves to the rigid discipline that will be required and that ought to be required by the Federal Government if large sums of money shall be taken out of the Federal Treasury for the purpose of building up the National Guard and converting it into a real fighting machine.

The average young American who has his mind upon a business career will not voluntarily bow his neck to a rigid yoke of military discipline. He may join an organization of militia, and submit to occasional drills in the manual of arms and general maneuvers, but his thought and energy in the main must be in his business. That is the chief objection I have to this bill. I think highly of the State Militia. A number of years ago I had the honor of being a second lieutenant [applause] in a company of militia organized to conduct military and social operations in the beautiful city of Valparaiso, in the State of Indiana. The social side of that organization was one of its chief attractions. You subject the class of young men that

belonged to that company to the rigid military discipline that must necessarily follow this legislation—trial by court-martial, fines, and imprisonments—and 9 out of 10 of the self-respecting public-spirited young men who now compose the National Guard would never go into it. They would never submit to the rigid requirements of Regular Army discipline in times of peace. The National Guard now is inexpensive, and the training it receives is of great value in time of conflict. Change its character and you will drive out of it the bulk of the intelligent and patriotic young men who now compose it, young men who, with the training they are now receiving, will make the very best soldiers in actual war.

I protest against it. The proposition to pay officers and soldiers in the National Guard a fixed and regular compensation out of the Federal Treasury naturally appeals to them, but how many of them know of the conditions that are attached to the compensatory provision? How many of them know anything about the requirements contained in section 5 of the bill? If this bill becomes a law, there will be an annual charge of $10,000,000 upon the Federal Treasury on account of the State Militia, and the Government has the right to impose reciprocal conditions and obligations in consideration of this large yearly expenditure. In my judgment, the Government will be better off and the militia will be more efficient if this bill is not passed.

The SPEAKER pro tempore (Mr. MANN). Debate on this paragraph is exhausted. The question is on the motion of the gentleman from Indiana, to strike out section 1.

Mr. CRUMPACKER. Mr. Speaker, I withdraw that motion.

Mr. HAY. I renew it, Mr. Speaker.

The SPEAKER pro tempore. The Chair will suggest to the gentleman from Virginia that section 1 carries the enacting clause.

Mr. HAY. I was aware of that fact, and I want to strike out the enacting clause.

The SPEAKER pro tempore. The gentleman from Virginia moves an amendment, to strike out the enacting clause, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the enacting clause.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. HAY) there were 87 ayes and 96 noes.

Mr. HAY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 116, nays 151, answered "present" 10, not voting 107, as follows:

YEAS—116.

Adair	Ellerbe	Jamieson	Peters
Aiken	Ferris	Johnson, Ky.	Randell, Tex.
Alexander, Mo.	Fitzgerald	Johnson, S. C.	Ransdell, La.
Barnhart	Floyd, Ark.	Jones	Rauch
Bartlett, Ga.	Garner, Tex.	Keliher	Riordan
Beall, Tex.	Garrett	Kinkead, N. J.	Robinson
Bell, Ga.	Gillespie	Kitchin	Roddenbery
Boehne	Glass	Korbly	Rucker, Mo.
Booher	Godwin	Lamb	Shackleford
Brantley	Goldfogle	Latta	Sharp
Burgess	Gordon	Legare	Sheppard
Burleson	Graham, Ill.	Lindbergh	Sherley
Burnett	Hamlin	Lively	Sherwood
Campbell	Hammond	Lloyd	Sims
Carter	Hardwick	McHenry	Sisson
Cary	Hardy	Macon	Slayden
Clark, Mo.	Harrison	Maguire, Nebr.	Smith, Tex.
Cline	Hay	Martin, Colo.	Stephens, Tex.
Collier	Helm	Mays	Tawney
Covington	Henry, Tex.	Mitchell	Taylor, Colo.
Cox, Ind.	Hitchcock	Moon, Tenn.	Thomas, Ky.
Crumpacker	Hollingsworth	Morrison	Thomas, N. C.
Cullop	Houston	Moss	Tou Velle
Denver	Howard	Nicholls	Turnbull
Dickinson	Hughes, Ga.	O'Connell	Watkins
Dickson, Miss.	Hughes, N. J.	Oldfield	Webb
Dixon, Ind.	Hull, Tenn.	Padgett	Weisse
Driscoll, D. A.	Humphreys, Miss.	Page	Wickliffe
Edwards, Ga.	James	Palmer, A. M.	Wilson, Pa.

NAYS—151.

Andrus	Butler	Cox, Ohio	Esch
Ansberry	Byrns	Creager	Fairchild
Austin	Calder	Currier	Finley
Barchfeld	Calderhead	Dalzell	Fish
Barclay	Cantrill	Davidson	Focht
Bennet, N. Y.	Carlin	Davis	Foss
Bingham	Cassidy	Dent	Foster, Ill.
Borland	Chapman	Diekema	Foster, Vt.
Boutell	Clayton	Dodds	Gardner, Mich.
Bradley	Cocks, N. Y.	Driscoll, M. E.	Gardner, N. J.
Burke, Pa.	Cole	Dupre	Graff
Burke, S. Dak.	Cooper, Pa.	Dwight	Graham, Pa.
Burleigh	Cooper, Wis.	Ellis	Grant
Greene	Knapp	Moon, Pa.	Small
Griest	Kopp	Moore, Pa.	Smith, Iowa
Guernsey	Kronmiller	Morehead	Snapp
Hamer	Küstermann	Morgan, Mo.	Southwick
Hamilton	Lafean	Morgan, Okla.	Stafford
Hanna	Langham	Morse	Steenerson
Haugen	Langley	Murphy	Sterling
Hawley	Lawrence	Nelson	Sturgiss
Heald	Lenroot	Nye	Sulloway
Heflin	Longworth	Olcott	Taylor, Ohio
Henry, Conn.	Loudenslager	Olmsted	Thistlewood
Higgins	Lowden	Palmer, H. W.	Thomas, Ohio
Hill	McCreary	Parker	Tilson
Hobson	McCredie	Parsons	Townsend
Howell, Utah	McGuire, Okla.	Payne	Volstead
Howland	McKinley, Ill.	Pickett	Vreeland
Hubbard, Iowa	McKinney	Plumley	Washburn
Hubbard, W. Va.	McLaughlin, Mich.	Poindexter	Weeks
Humphrey, Wash.	McMorran	Pou	Wheeler
Johnson, Ohio	Madison	Pratt	Wilson, Ill.
Joyce	Malby	Pray	Woods, Iowa
Kahn	Mann	Roberts	Woodyard
Keifer	Martin, S. Dak.	Rodenberg	Young, Mich.
Kendall	Massey	Rucker, Colo.	The Speaker
Kennedy, Iowa	Miller, Minn.	Scott	

ANSWERED "PRESENT"—10.

Adamson	Fornes	Rothermel	Stanley
Candler	Lee	Slemp	
Flood, Va.	Lever	Smith, Mich.	

NOT VOTING—107.

Alexander, N. Y.	Edwards, Ky.	Hull, Iowa	Pujo
Ames	Elvins	Kennedy, Ohio	Rainey
Anderson	Englebright	Kinkaid, Nebr.	Reeder
Anthony	Estopinal	Knowland	Reid
Ashbrook	Fassett	Law	Rhinock
Barnard	Foelker	Lindsay	Richardson
Bartholdt	Fordney	Livingston	Sabath
Bartlett, Nev.	Fowler	Loud	Saunders
Bates	Fuller	Lundin	Sheffield
Bennett, Ky.	Gaines	McCall	Simmons
Bowers	Gallagher	McDermott	Smith, Cal.
Broussard	Gardner, Mass.	McKinlay, Cal.	Sparkman
Byrd	Garner, Pa.	McLachlan, Cal.	Sperry
Capron	Gill, Md.	Madden	Spight
Clark, Fla.	Gill, Mo.	Maynard	Stevens, Minn.
Conry	Gillett	Miller, Kans.	Sulzer
Coudrey	Goebel	Millington	Swasey
Cowles	Good	Mondell	Talbott
Craig	Goulden	Moore, Tex.	Taylor, Ala.
Cravens	Gregg	Moxley	Underwood
Crow	Hamill	Mudd	Wallace
Dawson	Havens	Murdock	Wanger
Denby	Hayes	Needham	Wiley
Dies	Hinshaw	Norris	Willett
Douglas	Howell, N. J.	Patterson	Wood, N. J.
Draper	Huff	Pearre	Young, N. Y.
Durey	Hughes, W. Va.	Prince	

So the motion was rejected.

The Clerk announced the following additional pairs:

For balance of day:

Mr. DRAPER with Mr. SULZER.

Mr. MILLER of Kansas with Mr. LIVINGSTON.

Mr. FULLER with Mr. DIES.

Mr. REEDER with Mr. RICHARDSON.

Mr. GAINES with Mr. TALBOTT.

Mr. HENRY of Connecticut with Mr. LEE.

On this vote:

Mr. GARDNER of Massachusetts (against) with Mr. LEVER (in favor).

Mr. DUREY with Mr. ANDERSON.

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. YOUNG of New York with Mr. FORNES.

Mr. SLEMP with Mr. FLOOD of Virginia.

Mr. KNOWLAND with Mr. CANDLER.

Mr. SHEFFIELD with Mr. STANLEY.

Mr. MADDEN with Mr. GOULDEN.

Mr. ALEXANDER of New York with Mr. BOWERS.

Mr. ANTHONY with Mr. BROUSSARD.

Mr. BARTHOLDT with Mr. GREGG.

Mr. DAWSON with Mr. HAMILL.

Mr. FORDNEY with Mr. SPARKMAN.

Mr. GILLETT with Mr. MCDERMOTT.

Mr. HOWELL of New Jersey with Mr. RAINEY.

Mr. MOXLEY with Mr. SAUNDERS.

Mr. LOUD with Mr. SPIGHT.

Mr. MONDELL with Mr. TAYLOR of Alabama.

Mr. SIMMONS with Mr. HAVENS.

Mr. STEVENS of Minnesota with Mr. LINDSAY.

Mr. DOUGLAS with Mr. ESTOPINAL.

Mr. ADAMSON. Mr. Speaker, did the gentleman from Pennsylvania [Mr. WANGER] vote?

The SPEAKER pro tempore. The Chair is informed that the gentleman from Pennsylvania did not vote.

Mr. ADAMSON. Mr. Speaker, I voted "aye," and as I am paired with the distinguished gentleman I wish to withdraw my vote and answer present.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ADAMSON, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. HOWLAND. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 6, strike out the words "at seventy-five per centum of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. Mr. Speaker, the amendment suggested by the committee has not been acted upon as yet, has it?

The SPEAKER pro tempore. That amendment has been agreed to.

J. F. M'MURRAY.

Mr. BURKE of South Dakota. Mr. Speaker, I submit the report of the special committee appointed under House resolution 847, to investigate the circumstances connected with certain contracts said to exist between J. F. McMurray, of McAlester, Okla., and certain Indian tribes, and I ask unanimous consent that the report may be printed in the RECORD.

The SPEAKER pro tempore. The gentleman from South Dakota submits a report, and asks unanimous consent that it may be printed in the RECORD. Is there objection?

Mr. JAMES. Mr. Speaker, is it a unanimous report?

Mr. BURKE of South Dakota. The report is not unanimous, Mr. Speaker. There is one member of the committee who has not signed it, but he is present.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to have my minority report also printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the printing of the two reports in the RECORD, as requested by the gentleman from South Dakota and the gentleman from Texas?

There was no objection.

The reports are as follows:

To the House of Representatives:

The committee appointed pursuant to and by virtue of the following House resolution, No. 847—

"*Resolved*, That a committee consisting of five members, each of whom shall be a Member of the House of Representatives, be appointed by the Speaker to investigate all circumstances connected with certain contracts now said to exist by and between J. F. McMurray, an attorney, of McAlester, Okla., or any other person or persons, and the Choctaw and Chickasaw Tribes of Indians of Oklahoma, or any member or members thereof, or any other of the Five Civilized Tribes, the Osage Indians, or any members thereof, this to include bribery, fraud, or any undue influence that may have been exerted on behalf of the approval or procuring of the said contracts, or any of them.

"Said committee is hereby empowered to sit and act at any place, to require the attendance of witnesses and the production of papers by subpœna to be signed by the chairman of said committee. The chairman of said committee, or any member thereof, is hereby empowered to administer oath. Said committee is further hereby empowered to take testimony under oath and in writing, to obtain documents, papers, and other information from the several departments of the Government or any bureau thereof, to employ not to exceed two stenographers to take and make a record of all evidence received by the committee and to keep a record of its proceedings. All costs and expenses of said investigation shall be paid from the contingent fund of the House of Representatives.

"All hearings by said committee shall be open to the public. The committee shall report to this Congress all evidence taken and their findings and conclusions thereon. And in case of disobedience to a subpœna this committee may invoke the aid of any court of the United States or of any Territories or Districts thereof, within the jurisdiction of which any inquiry may be carried on by said committee in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this resolution, and any such court within the jurisdiction of which the inquiry under this resolution is being carried on may, in case of contumacy or refusal to obey a subpœna issued to any person under authority of this resolution, issue an order requiring such persons to appear before the said committee and produce books and papers, if so ordered, and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding except in prosecution for perjury committed in giving such testimony.

"And said committee may file its report with the Clerk of the House during the recess of Congress"—

submits the following report:

The investigation authorized was the result of charges made in the Senate by Senator THOMAS P. GORE, of Oklahoma, June 24, 1910. Speaking of what was known as the "McMurray contracts," Senator GORE said:

"I shall not say what I intended to say when I rose, but I know that improper methods have been attempted in connection with these McMurray contracts. I speak from my own knowledge. A Member of this Senate was approached with an offer to be interested in those contracts, and a Member of the other House was approached on yesterday by a representative of Mr. McMurray with a similar overture.

* * *

"Mr. President, I may be green, and that may explain the presumption which some people have indulged in in connection with this matter, but I can not afford to let a false sense of modesty stand between me and my duty. The whole effort and combination to secure an approval of these contracts is conceived in corruption and has been brought forth in corruption."

He further said:

"On the 6th day of May a representative of Mr. McMurray, a man who resides in my State, a man toward whom I have sustained friendly relations, a man who has rendered me substantial assistance in the past, sir, I may say, came to my office and assured me that it might be made to my interest if I would call on the junior Senator from Colorado and advise him not to report the bill. The bill had already been reported at my urgent instance.

"Now, sir, I repeat that I dislike the humiliation which comes from the fact that anyone should have presumed to approach me on this subject. I suppose it was due to the intimacy of the friendship that had previously existed. There was some suggestion that some twenty-five or fifty thousand dollars might be available if the contracts were not further opposed by me. Unwilling to harbor such a secret, I told the senior Senator from Wisconsin [Mr. LA FOLLETTE] that day what had transpired. I told the Congressman from my State who represents the Indians involved. I also told other friends. My colleague was absent from the city.

"On yesterday, as I am advised, a representative of Mr. McMurray made a similar proposition to a Member in the other House.

"Now, an ex-Senator from Nebraska is interested in these contracts, and an ex-Senator from Kansas is interested in these contracts. A powerful lobby has been maintained here in the interest of these contracts, and I have expended every effort to secure legislation that would make their consummation an impossibility."

Immediately following the appointment of the committee the work of the investigation began by calling upon the Interior Department and the Department of Justice for copies of all contracts comprehended within the scope of the resolution, together with copies of all letters, papers, and other documents material to the subject matter within the scope of the inquiry authorized.

All of the members of the committee assembled at Muskogee, Okla., August 4, 1910, and proceeded on that date to hold the initial hearing. Hearings continued at various places in Oklahoma, to wit: Muskogee, McAlester, Sulphur, Pawhuska, and Tulsa up to and including the 27th day of August, when adjournment was taken to Washington, D. C., at a date in November to be fixed by the chairman. On the 23d day of November hearings were resumed in Washington and continued at intervals up to and including January 10, 1911. Arguments of attorneys were completed January 13, 1911. One hundred and sixteen witnesses were examined and all testimony was given under oath except as otherwise indicated. Numerous contracts, documents, and other papers were examined and some of them form the appendix which appears at pages 1143–1343 of this report.

John F. McMurray, the alleged principal whose agent Jake L. Hamon is alleged to have been, was represented during the entire investigation by counsel, consisting of Messrs. Flynn & Ames, of Oklahoma City, Okla., and Cecil H. Smith, of Sherman, Tex. Senator GORE was present or represented at most of the hearings and was given equal privileges with members of the committee in the matter of examining and cross-examining witnesses, and every person whom he requested to have called as a witness was subpœnaed, and special effort was made to secure all possible evidence touching any interest in the McMurray contracts that may have existed on the part of any Member of either branch of Congress.

At the conclusion of the hearings arguments continuing through two days were made by counsel for McMurray and by Senator GORE.

All of the evidence has been printed and is herewith submitted, together with the appendix containing the exhibits before referred to.

The resolution directs the committee to investigate—

"all circumstances connected with certain contracts now said to exist by and between J. F. McMurray, an attorney of McAlester, Okla., or any other person or persons, and the Choctaw and Chickasaw Tribes of Indians of Oklahoma, or any member or members thereof, or any other of the Five Civilized Tribes, the Osage Indians, or any members thereof, this to include bribery, fraud, or any undue influence that may have been exerted on behalf of the approval or procuring of the said contracts, or any of them."

Strictly construed the text of the resolution would have limited the committee to the investigation of existing contracts. But when the resolution was being considered in the House it was evidently contemplated that the committee was not to be so limited in its inquiry, but might inquire into any contracts. See CONGRESSIONAL RECORD of June 25, 1910, wherein the following colloquy, which occurred on the floor of the House immediately prior to the adoption of the resolution, is reported:

"Mr. STEPHENS of Texas. I desire to ask the chairman of the committee whether or not this resolution is broad enough to include all contracts between this man McMurray and these nations of Indians?

"Mr. TAWNEY. And any other contracts?

"Mr. STEPHENS of Texas. Will it go back 10 years?

"Mr. MANN. It will go back as long as the committee wants it to go back."

It was deemed necessary, therefore, in order to make an exhaustive and intelligent inquiry relative to existing contracts with McMurray, to ascertain his contractual relations with any of the Five Civilized Tribes prior to entering into the pending or existing contracts.

GENERAL REVIEW OF M'MURRAY'S CONTRACTS.

It appears from the evidence that James F. McMurray is a lawyer, having been admitted to the bar at Gainesville, Tex., in 1890, where he resided until he removed to McAlester, Okla., then Indian Territory, in 1897, where he engaged in the practice of law. In 1898 he formed a partnership with George A. Mansfield and Melven Cornish, under the firm name of Mansfield, McMurray & Cornish. In July, 1899, this firm was employed by the Chickasaw Nation to represent the tribe before the Dawes Commission in relation to citizenship matters. A contract was entered into between Mansfield, McMurray & Cornish and the Chickasaw Nation by which the said firm were to receive $5,000 annually for their services. In the early part of the year 1900 a similar contract was made with the Choctaw Nation at a salary of $5,000 per year to represent that nation before the Dawes Commission.

Both of these contracts appear to have been executed in accordance with the law and were approved by the department January 10, 1900.

The employment continued until March 4, 1907. It also appears that in 1900 contracts between Mansfield, McMurray & Cornish and the Chickasaw and Choctaw tribes were entered into by which the firm were to act as general counsel to the nations at an agreed salary of $5,000 per annum, to be paid by each nation; that they continued to serve under said contracts until March 4, 1907; that under the contract to represent the Chickasaw Nation as general counsel the firm were to receive the sum of $2,700 for expenses, and that said amount was paid to the said firm annually either directly or for expenses during their employment.

Enormous expenses were incurred by these attorneys, to pay which the $2,700 authorization was grossly inadequate. To meet the situation both nations passed numerous acts allowing expenses. On October 26, 1900, the Chickasaws passed a "blanket" expense act, authorizing expenses without limit. A fund of $30,000 had already been placed at the disposal of the governor, and he had most of it on hand when this firm began the work. The Choctaws also passed their share of these expense acts, one of which was in blanket form.

The law governing Indian contracts requires that they shall be approved by the Secretary of the Interior and also that acts of the tribal councils authorizing contracts or the appropriation of money shall also be approved by the President, but it appears that neither of the contracts as general counsel or any of the acts of the tribal council making appropriations for expenses were submitted for approval, and, in fact, they were not approved; and large sums of money were paid to the said firm of Mansfield, McMurray & Cornish for alleged expenses and upon vouchers that were not properly itemized; there is no way of determining as to how much of the money paid for alleged expenses were disbursed; but under the contracts referred to and the amounts appropriated and paid for expenses the said firm of Mansfield, McMurray & Cornish, between the dates named, received over $200,000. During this same period they were employed by these Indian tribes in other matters, and received therefor remuneration in large amounts. The contracts for service enjoyed by this firm with these two tribes, together with fees received or to be received up to March 4, 1907, as follows:

Citizenship, annual salary (aggregate)	$70,000
Citizenship court, contingent fee	750,000
General attorneys, annual salary (aggregate)	45,000
Due and unpaid	20,000
Incompetent fund	3,000
Due and unpaid	12,000
Freedman case, yet unpaid	27,500
Mississippi Choctaw case	
J. Hale Sypher case	
Eli Ayers case	
Collection of tribal taxes	
Total	927,500

In addition to above, J. F. McMurray has thus far received on his individual tax contracts the sum of $20,200, and about $55,000 remains unpaid.

During the time that this firm was employed, as has been stated, receiving annually a compensation of $20,000, in addition to the liberal amounts that were paid to them for expenses, besides having other compensation for special services, it developed that owing to some errors in the so-called Atoka agreement made by the Government with the Choctaw and Chickasaw Nations in 1898, and in order to more fully and properly administer the affairs of the two nations, it was thought advisable that there should be a supplemental agreement or new treaty made with the two nations. Mansfield, McMurray & Cornish were necessarily consulted, and aided in preparing a treaty which was subsequently entered into and approved. The work of negotiating this agreement began in 1901. (See testimony, pp. 672, 673.)

The service rendered in connection therewith by Mansfield, McMurray & Cornish was required under their contract of general employment. While employed and paid as stated, they obtained information as to enrollment upon which later was based the tribal contention that many persons had been wrongfully and illegally enrolled notwithstanding the fact that the proceedings which led to their enrollment were conducted in accordance with due process of law and the final order of their enrollment was decreed by a United States court. They thereupon entered into a contract with the two nations by which they were to receive 9 per cent of $4,800 for each person enrolled whose name they could eliminate from the rolls. (See testimony, p. 674.) There was no way by which persons so enrolled—locally known as court citizens—could be eliminated lawfully from participation in the tribal estate. The treaty negotiated in 1901, before referred to, and approved July 1, 1902, originally contained no provision authorizing the elimination of the so-called court citizens.

After the agreement had been duly signed by the representatives of the two nations and by the representatives of the Government, and after it was transmitted to Congress for ratification and approval, sections 31, 32, and 33 were inserted at the request of McMurray, which sections are predicated on the assumption that the United States courts in the Indian Territory, acting under the act of June 10, 1896, had admitted persons to citizenship in the Choctaw and Chickasaw Nations without notice to both of said nations. It was contended by the nations that in such proceedings notice to each of said nations was indispensable, and they claimed and insisted that the proceedings in the United States courts in the Indian Territory under the act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes upon the record in each case, and should not have extended to a trial de novo of the question of citizenship.

These sections authorized the two nations, jointly, or either of said nations acting separately and making the other a party defendant, by a bill in equity filed in the citizenship court, to bring a suit for the purpose of testing the validity of all such decisions of the United States courts. It further provided that 10 persons admitted to citizenship or enrollment by the United States courts with notice to but one of said nations, should be made defendants to a suit as representatives of the entire class of persons similarly situated. In other words, it authorized the bringing of a test suit and provided that in the event said citizenship judgments or decisions were annulled or vacated any party thereto within 90 days thereafter by a written application might have his case transferred to the citizenship court by the court where the judgment was entered and that the citizenship court should have jurisdiction therein as if no judgment or decision had been rendered by the United States court. It was provided that the judgment of this citizenship court should be final.

The act provided that it should not be effective until submitted to and ratified by a vote of the two nations, but exception was made as to sections 31, 32, and 33, creating the citizenship court, which became effective upon the passage and approval of the act. (See testimony, p. 675.)

Immediately following the passage of the act ratifying the agreement of 1902 the judges authorized to be appointed to constitute the citizenship court were appointed as follows: Spencer Adams, of North Carolina; Henry S. Foote, of California; and Walter L. Weaver, of Ohio. Judge Foote appears to have been appointed upon the recommendation of Senator Stewart, who was then chairman of the Senate Committee on Indian Affairs, and Judge Adams on the recommendation of Senator Pritchard, of North Carolina. Judge Foote was the brother-in-law of Senator Stewart. (See testimony, p. 675.) The law creating this court is without legislative parallel; the manner of its enactment was extraordinary, and the authority which it conferred upon the court it created is without precedent in American jurisprudence.

As soon as this court was created and organized, the firm of Mansfield, McMurray & Cornish proceeded to bring before it a very large number of claims of "court citizens," and they succeeded in eliminating from the rolls between 3,500 and 4,000 persons. (See testimony, p. 676.) They then claimed a fee of 9 per cent on a basis of $4,800 per person as provided in the contingent-fee contract made in 1901, before referred to, which had not been approved in accordance with the law. After much controversy between Mansfield, McMurray & Cornish and the department, the Secretary of the Interior finally offered to approve their contract in the sum of $250,000. This they refused to accept, and succeeded in having incorporated in an Indian appropriation bill a provision authorizing the so-called "citizenship court" to determine the amount of their compensation. Under the authority conferred by this act the court fixed the amount of the fee at $750,000, and very soon thereafter the court dissolved and ceased to have existence. In addition to this enormous fee, the contract provided that the attorneys should be paid their expenses and they now have a claim against the nations for $25,500 for unpaid expenses. (See testimony, p. 673.)

After protracted litigation in the supreme court of the District of Columbia, Mansfield, McMurray & Cornish succeeded in obtaining from the Secretary of the Treasury a warrant drawn upon the Treasurer of the United States in the sum of $750,000 payable to their order. (For the division and disposition of this sum of money, see testimony at p. 1054 et seq.)

During all of the time that Mansfield, McMurray & Cornish represented the Choctaw and Chickasaw Nations, it appears that they were able to direct the affairs of both tribes, particularly the Chickasaws, to a greater or less extent, and were able apparently to secure the enactment of such tribal acts authorizing their employment, or providing appropriations to pay their expenses, as they seemed to think their interests demanded. The governor of the Chickasaw Nation at all times appears to have followed the suggestions of this firm and was apparently ready and willing always to promote their interests. In return the firm contributed toward the election expenses of the Choctaw governor, and provided a special train to take voters to the polls in the interest of the Chickasaw governor. (See testimony, p. 795.)

Mr. Mansfield appears to have been the lawyer of the firm of Mansfield, McMurray & Cornish. Mr. Cornish was taken into the firm probably because of his employment for some years with the Dawes Commission and his general knowledge of tribal affairs, particularly in respect to the rolls of the Choctaw and Chickasaw Nations. (See testimony, p. 667.) Mr. McMurray was the active member of the firm who attended to political matters, obtaining contracts, securing legislation, and he might be termed the promoter of the firm. It may be said that each member was diligent in performing his part of what the firm undertook to accomplish. Following the payment of the $750,000 fee, before referred to, and in the month of June, 1905, Mansfield, McMurray & Cornish were indicted in the United States court charged with the unlawful expenditure and appropriation of the funds of the Choctaw and Chickasaw Nations, it being alleged that much of the money paid to them for expenses, though it was authorized by the tribal councils, was in fact unlawful, because the tribal acts making appropriations had not been approved by the President of the United States. About this time an act was passed by the Chickasaw Nation authorizing a contract to be made with counsel in connection with the sale of what is known as the segregated land belonging to the Chickasaw and Choctaw Nations, this being the coal and asphalt land. (See Exhibit 11, p. 1158.) A similar act was enacted in 1905 by the Choctaw Nation. (See Exhibit 12, p. 1159.)

In November, 1905, the Chickasaw Nation entered into a contract with Mansfield, McMurray & Cornish and Cecil A. Lyon by which they were to receive 10 per cent from the proceeds from the sale of the segregated land. (See copy of contract in Appendix, p. 1161.) A similar contract was also entered into with the Choctaw Nation in November, 1905. (See copy of contract in Appendix, p. 1162.)

Mr. Lyon is not a lawyer, was not a resident of Oklahoma or associated with Mansfield, McMurray & Cornish, but was a prominent citizen and business man of the State of Texas, and held the position of chairman of the State committee and member of the national committee of the Republican Party for the State of Texas.

It was also well known that he was a personal friend of the then President of the United States. That this was a prominent factor in inducing Mansfield, McMurray & Cornish to give him an interest in the contracts with the two nations is apparent and is admitted by McMurray. (See testimony, p. 716.) It was probably thought that he could be of material service in securing the approval by the President of the tribal contracts referred to, and also that he might contribute toward getting the indictments against the firm dismissed. In July, 1905, Mr. Lyon wrote a letter to the President requesting that the indictments against Mansfield, McMurray & Cornish be investigated, and an investigation was directed by the President. Charles W. Russell, of the Department of Justice, was delegated to direct the investigation, and there were numerous conferences with him and Mansfield, McMurray & Cornish at which Mr. Lyon was present.

On December 8, 1905, Mr. Lyon sent a telegram to the President as follows:

"In spite report Attorney General cases against Johnston, McMurray et al. not dismissed, Ardmore, Ind. T. Please so direct." (See testimony, p. 405.)

The United States attorney for the district in Indian Territory was promptly removed by the President, but on the same day was reinstated. He had been opposing vigorously the dismissal of the indictments and had reported against a dismissal of them to the Department of Justice. The matter was subsequently further investigated and finally was referred to Hon. Charles Nagel, of St. Louis, who investigated and reported that in his judgment the moneys expended having been appropriated by authority of the tribal councils, a con-

viction for having misappropriated funds could not be maintained, and following that report the indictments were finally dismissed.

The tribal contracts for the sale of the segregated land, to which reference has been made, were not transmitted to the President through the Commissioner to the Five Civilized Tribes and the department, as is the custom, but were carried to Washington by Cecil A. Lyon in person and presented to the President for his approval. The President consulted the Commissioner of Indian Affairs and declined to approve the contracts, doing so verbally. No indorsement was made upon them and they were returned to Mr. Lyon. (See testimony, pp. 400, 401.) Copies of the tribal acts authorizing these contracts to be made were discovered by the Commissioner to the Five Civilized Tribes some time in 1908 and transmitted to the President and by him disapproved. Notwithstanding the fact that President Roosevelt refused to approve these tribal contracts and the tribal acts authorizing them had been by him disapproved in 1908, we find in March, 1910, the contracts presented to President Taft and his approval requested, and without regard to the fact that individual contracts had been entered into by a large number of the members of the Choctaw and Chickasaw Nations.

By these individual contracts the Indians agreed to pay him 10 per cent of whatever money might ultimately be received from the proceeds not only of the segregated land, but of the surplus land, and of any other property belonging to the two tribes, including undoubtedly the money already to their credit in the Treasury.

By the terms of the agreements with the Five Civilized Tribes lands allotted to the members thereof were to be exempt from taxation for a period of 21 years. In 1908 Congress passed an act which had the effect of removing the restriction from a very large number of the members of the Choctaw and Chickasaw Tribes. As soon as the restrictions were removed the State of Oklahoma proceeded to assess the lands affected for purposes of taxation. There was much feeling on account of this action and a determined disposition was manifested on the part of the Indians to resist the taxation of their lands.

The subject aroused much contention, and Gov. Johnston, of the Chickasaw Nation, called a mass meeting of Choctaws and Chickasaws at Tishomingo in July, 1908. At this meeting a committee of three or five was named to take into consideration public matters affecting the tribes and make a report to an adjourned meeting of the Indians to be held at Sulphur in August. At the Sulphur meeting the committee was enlarged to 15 and their authority extended to advertise for and employ an attorney. A subsequent meeting was also held at Ardmore. The committee of 15 finally met at Tishomingo in the fall of 1908 and selected J. F. McMurray to act as their attorney. At this meeting an association was formed, known as the Treaty Rights Association, whose object should be to resist the collection of taxes and the securing of an early settlement of all tribal affairs. The invitation for proposals for doing this work brought responses from several firms. These proposals were on a cash basis for the most part. (See record, pp. 502 to 507.) McMurray submitted a proposition that he would undertake the work on a basis of $10 per allotment, the same to be paid in cash by the allottees, offering, however, to take a note in the place of cash. Coupled with this was the requirement that there would be circulated with each of these tax contracts an individual contract employing Mr. McMurray as attorney to handle all the undivided property of the tribe in which the individuals were interested and giving to Mr. McMurray as a fee 10 per cent of any sum or property that might come to the individual from the wealth of the nation.

The committee accepted McMurray's proposition, and members of the committee were thereupon employed by Mr. McMurray as his agents to solicit these contracts. The committee is of the opinion that while proposals from other attorneys were invited, in reality the committee was strongly biased and prejudiced in favor of McMurray. Undoubtedly McMurray, and certain members of the tribes working in his interest, had much to do with the naming of the committee of 15; otherwise that committee would not have consisted of so many strong McMurray admirers, and have been dominated by a few of McMurray's stanch supporters. Members of this committee of 15 and others soliciting these contracts received nothing for the individual property contracts but 10 per cent of the amount stipulated in the tax contracts, which would be $1 for each.

The individual contracts authorized McMurray to draw his compensation, namely, 10 per cent, out of the Treasury of the United States upon the adjustment of any claims of the Choctaws and Chickasaws when the proceeds should be placed in the Treasury to the credit of the tribes, or as money should be realized from the sale of the tribal property. The contracts are signed only by the allottees and not by McMurray, and under the terms thereof he would receive 10 per cent, as above stated, of the amount placed in the Treasury to the credit of the two nations without performing any substantial service, which would amount in the aggregate to a fabulous sum—probably $2,000,000 or more.

The law with reference to Indian contracts makes no reference to individual contracts, and evidently Congress did not contemplate that individual Indians could make contracts affecting their interest in tribal property under any circumstances. McMurray apparently assumed the approval of the President to his individual contracts would at least give them official recognition, so that if legislation should be necessary to make them legal it would be easy to secure. Or he thought the approval might be sufficient to cause the contracts to be recognized by the Treasury Department in withholding and paying to him 10 per cent of such moneys as might be paid into the Treasury from the proceeds of the sale of surplus and segregated lands, which proceeds were to be distributed among the individual members of the two tribes.

The committee is of the opinion that neither these individual contracts nor the tribal contracts should be approved, and that legislation should be enacted, if not declaring them void, providing that the moneys belonging to the tribes when distributed should not be subject to the lien of any debt, obligation, or liability contracted prior to the final distribution of the tribal funds.

It was about this time that the services of two former Senators were secured by McMurray and an active campaign was instituted to secure the approval or recognition of the contracts. Cecil A. Lyon testified that upon President Roosevelt's disapproval of the tribal acts authorizing the contracts in which he was interested he gave the matter no further attention, yet it appears from the testimony that having called at the Department of Justice on April 27, 1910, on a mission unconnected with these contracts, he remained to attend a conference held in the office of the Attorney General on that date, at which hearing ex-Senators Thurston and Long and McMurray were present, and the subject of which hearing was the approval or recognition of these contracts. (See record, p. 407, Exhibit 22, p. 1177.)

One circumstance relating to McMurray's effort to secure presidential approval of his individual contracts is of special interest, as it demonstrates his shrewd methods in accomplishing what he undertakes and is in accord with his general method of operating in securing contracts with the Choctaw and Chickasaw Nations. During the second session of the Sixty-first Congress the Committee on Indian Affairs of the House of Representatives held numerous hearings on bills proposing to reopen the rolls of the Five Civilized Tribes for the purpose of enrolling applicants who claimed to have been denied their rights to enrollment. Naturally those who have been enrolled are opposed to the enrollment of additional persons, and it is an easy matter by a little agitation to arouse opposition to such legislation. Opportunely one Richard C. Adams, a mixed-blood Indian, posing as an Indian historian and representing himself as the friend of Indians generally, projected himself into Choctaw-Chickasaw affairs. Adams is interested in Indian claims of more or less doubtful merit against the Government which he has worked up in his rôle of Indian historian (testimony, p. 915), amounting to more than $20,000,000 (testimony, pp. 918, 935).

In these claims he has a contingent interest of from 10 to 35 per cent. Simultaneously with the agitation among Choctaws and Chickasaws over the subject of adding new names to their rolls, Adams called upon the President in April, 1910, ostensibly for the purpose of protesting against the opening of the rolls of the Five Civilized Tribes, and by reason, in the opinion of this committee, of misleading representations, he induced the President to write a letter stating that he, the President, was opposed to the reopening of the rolls. The letter written was addressed to Adams, and as soon as it was in his possession he caused its publication to be made and it was widely circulated among the Five Civilized Tribes for selfish purposes. Whether he went to McMurray with a suggestion that he might render him valuable service in connection with the matter of securing the approval of his contracts, or whether McMurray conceived the idea that he could make use of Adams, is immaterial, but it does appear that about that time negotiations began between them resulting in a contract being entered into May 3, 1910, by which McMurray agreed to pay to the said Adams a fee equal to one-twentieth of the amount that McMurray might receive from his Choctaw-Chickasaw contracts, whether tribal or individual. (See Exhibit 23, p. 1189.) On the same day McMurray telegraphed his agent in Oklahoma directing him to solicit telegrams to be sent to Adams commending him for his success in getting a statement from the President, and incidentally mentioning approval of his (McMurray's) contracts. For a few days following that date Adams was deluged by such telegrams.

The committee summoned many persons who appeared to have sent such telegrams, and in every instance found that they were solicited by agents of McMurray, and in some instances telegrams were written and signed without the sender seeing or knowing just what the message contained. A large number were written in McMurray's office at McAlester. The following is a fair sample of the telegrams referred to:

"I thank you for services rendered in our matters. We earnestly urge that our rolls be not opened and that our attorney, McMurray, be permitted to represent us in final settlement all matters. No division among our people as to desirability of early settlement. They have confidence in McMurray, and his past services have resulted in great benefit. We urge his recognition and believe desired end can be attained only in that way.

"——— ———.

"Hon. RICHARD C. ADAMS,
"Washington, D. C."

Adams filed these telegrams with the President as an evidence of the apparent feeling among the members of the Five Civilized Tribes relative to his position on the rolls question, and there was nothing to cause the President to know that Adams was actuated by ulterior motives and certainly nothing to indicate that he was representing McMurray or interested in the McMurray contracts. About the same time ex-Senator Thurston, counsel for McMurray, filed copies of the telegrams with the Attorney General with the following statement:

"WASHINGTON, D. C., *May 10, 1910.*

"In the matter of the McMurray contracts, Mr. R. C. Adams, of this city, has received some 200 or 300 telegrams and letters approving the letter of the President to Mr. Adams of recent date, the publication of which the President authorized. In these communications, sent in without solicitation from Mr. Adams or Mr. McMurray, almost all state their approval of and desire to have McMurray's contracts recognized or approved. These letters and telegrams will be submitted by Mr. Adams to the President to-day or to-morrow in his own matter, but I am having copies of them made to submit to you as having an important bearing in Mr. McMurray's case. They come from the very best men of the Choctaws and Chickasaws and prove how earnestly the great majority of these people desire Mr. McMurray's services under his contracts.

"J. M. THURSTON.

"The ATTORNEY GENERAL."

The purpose of submitting these telegrams to the Attorney General is manifest. It is, however, due to Mr. Thurston to state that he testified he had no knowledge of how the telegrams were obtained or that Adams had any interest in the McMurray contracts, and that he believed the telegrams were received unsolicited, as stated by him to the Attorney General.

Adams was incapable of rendering any service to McMurray in connection with his contracts other than to aid him in securing their approval, and the only assistance he could render in that respect was by allowing himself to be used to secure what might appear to be an expression of approval of the contracts from prominent members of the tribes, and for this service, assuming the contracts should be approved and that McMurray would receive $3,000,000, he, Adams, would receive $150,000. This is sufficient, in the opinion of the committee, to condemn the contracts.

QUESTIONS CONSIDERED—CONCLUSION REACHED.

In reaching its conclusions the committee considered the following questions in the light of the testimony which covered the scope of the charges made by Senator GORE.

(1) Was Senator GORE approached by Jake L. Hamon substantially as charged by Senator GORE on the floor of the Senate June 24 or did Hamon make any improper proposal to Senator GORE respecting the McMurray contracts on May 6 or on any date prior or subsequent thereto? If so, was Hamon, in whatever negotiations he may have sought with Senator GORE, acting by authority or with the consent or knowledge of McMurray?

(2) Was any Member of the House of Representatives approached by Hamon substantially as charged by Senator GORE in his statements on the floor of the Senate June 24, 1910? If so, was Hamon acting as agent of McMurray or with his consent or knowledge?

(3) Was any Member of the House of Representatives interested in the McMurray contracts?

(4) Was any Member of the Senate interested in the McMurray contracts?

(5) Was a former Senator from Nebraska interested in the McMurray contracts? If so, was he improperly interested and did he attempt improperly to influence any Senator or Representative in respect to the McMurray contracts?

(6) Was a former Senator from Kansas interested in the McMurray contracts? If so, was he improperly interested and did he attempt improperly to influence any Senator or Representative in respect to the McMurray contracts?

(7) Was a powerful lobby operating in Washington in the interest of Indian contracts during the second session of the Sixty-first Congress? If so, did such lobby resort to corrupt practices?

(8) Was bribery, fraud, or any undue influence exerted on behalf of the approval or procuring of contracts between J. F. McMurray or any other person or persons and the Choctaw and Chickasaw tribes of Indians or any members thereof, or any other of the Five Civilized Tribes, the Osage Indians, or any members thereof?

The committee makes the following findings of fact relative to the charges made by Senator GORE:

(1) In the opinion of the committee Jake L. Hamon did on or about May 6, 1910, make an improper proposal to Senator GORE respecting the McMurray contracts substantially as charged, but there is no evidence that he was acting by authority or with the consent or knowledge of McMurray.

The evidence discloses the fact that subsequent to May 6 McMurray called upon Senator GORE at his office in the Senate Office Building and was cordially received by the Senator. There was no suggestion by word or act that Senator GORE looked upon McMurray as Hamon's principal in the matter of the corrupt overtures previously made by Hamon. On the contrary, the undisputed conduct of Senator GORE toward McMurray was such as to preclude the possibility of the belief that at that time Senator GORE considered McMurray as a party to the corrupt overtures made by Hamon.

It further appears from the testimony and the statement of Senator GORE when he made the charges in the Senate that he and Hamon are residents of Lawton, Okla., and have been friends for some considerable time; that they had some business relations of a friendly nature; that Hamon prior to May 6, 1910, called occasionally upon Senator GORE while in Washington, and in spite of what occurred on May 6 these relations continued. Subsequent to that date Hamon called upon Senator GORE, who responded to Hamon's request for aid in securing the confirmation of Hamon's father-in-law as postmaster on or about May 10; that on June 14, Hamon called upon the Senator at the Capitol to secure his assistance in passing a bill to which an amendment was to be offered in which Hamon had a substantial financial interest; they discussed the matter, and upon the conclusion of the conference Senator GORE called up a bill in the Senate to which the amendment referred to was offered by another Senator, and the bill was passed; in the evening of that day Hamon called of his own motion at Senator GORE's house, and during the visit expressed his appreciation of the assistance rendered by Senator GORE, and apparently there was nothing to indicate any unfriendliness on the part of Senator GORE toward Hamon. It further appears from the testimony that Senator GORE told one or more friends about May 6 of the offer made by Hamon.

The continuation of Senator GORE's apparently friendly attitude toward Hamon and McMurray may be explained by the statement of Senator GORE in his argument before the committee January 13, when, in response to questions propounded by Mr. STEPHENS, as to whether he had "any other object in bringing these charges except the defeat of the McMurray contracts," Senator GORE replied, "None on earth. That is the only purpose I have had in view."

(2) It is also the conclusion of the committee that Jake L. Hamon did approach a Member of the House of Representatives, Hon. CHARLES E. CREAGER, on or about the 16th day of June, 1910, and made an improper proposal respecting the said McMurray contracts, but there is no evidence to show that he was acting by authority of or with the consent or knowledge of McMurray. The testimony shows that the proposition was a suggestion rather than an offer, and was so promptly and emphatically resented by Mr. CREAGER that no definite proposal was made. No subsequent attempt was made to approach Mr. CREAGER on the subject.

(3) The committee finds that no Member of the House of Representatives has or had any interest of a pecuniary nature in any of the McMurray contracts.

No evidence exists to show that any Member of the House had any pecuniary interest in the contracts, and if there was anything to suggest an improper interest it was due to the friendly relations that appeared to exist between McMurray and Representative B. S. MCGUIRE, and the fact that Mr. MCGUIRE did aid McMurray in securing the approval of his contracts, by trying to secure the adoption of an amendment to an appropriation bill that would have materially increased a fee in which McMurray was interested and in offering to one of the conferees of the House on the deficiency appropriation bill a substitute for the so-called Gore amendment, which substitute might have been construed as an approval of the contracts by legislative act. There is no evidence to sustain any finding that Mr. MCGUIRE profited or expected to profit in any way for any assistance which he may have rendered McMurray.

(4) The committee finds that no Member of the Senate has or had any interest in any of the McMurray contracts. There is nothing whatever in the testimony to sustain such a suggestion. The committee exhausted all possible sources of information and no evidence supporting such a theory could be found. It appears to have been based upon the statement made by Jake L. Hamon to Senator GORE on May 6, 1910, when he approached him and used the names of Senator CHARLES CURTIS, of Kansas, and the Vice President, JAMES S. SHERMAN. It was in consequence of this effort and the statement of Senator GORE that the committee made and published the following finding at Sulphur, Okla., August 20, 1910:

"The committee have heard and carefully considered all of the testimony submitted and is unanimous in the opinion that there is and was no warrant for any person to use the names of Vice President JAMES S. SHERMAN and Senator CHARLES CURTIS in connection with any improper relation with any Indian contract whatever, and commend the statement of Senator GORE in this connection.

"CHAS. H. BURKE, *Chairman.*
"PHIL. P. CAMPBELL.
"C. B. MILLER.
"JNO. H. STEPHENS.
"E. W. SAUNDERS."

Senator GORE's statement was as follows:

"*To the investigating committee appointed in pursuance of House resolution 847.*

"MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: I feel in duty and in honor bound to make the following statement. It is also dictated by considerations of common justice toward the parties concerned. Neither the name of Vice President SHERMAN nor Senator CURTIS was mentioned by me on the floor of the United States Senate. That the name of either of these parties was alluded to by Mr. Hamon was steadfastly withheld from the public until this investigation began. No public mention of their names was ever made, either directly or indirectly, by me until I was required and obliged to do so testifying as a witness under oath and detailing the conversation which occurred between Mr. Hamon and myself. I then made formal protest against introducing their names, but the committee in the proper pursuit of its duties required me to make a full answer without reservation. Their names were disclosed not with any view to inculpating them nor with any view of suggesting guilt, but merely in order that the truth and the whole truth might be related with reference to the details of the conversation in question. The public must realize that the name of any man could be used or misused in the same connection, either as an argument or otherwise, and no public official can have immunity and protection against such an injury and injustice.

"In my last remarks in the Senate I said that 'the integrity of no man can be impeached upon the testimony of an interested or untrustworthy witness.' That was my conviction then. That is my conviction now. I am sure that in the court of public opinion no judgment or verdict has been returned either against the Vice President or Senator CURTIS on account of the misuse of their names in the manner above referred to. The investigation is now practically concluded. Many witnesses have been examined, a volume of evidence has been adduced, and there is no testimony tending to establish any improper connection on the part of either official with the approval of the so-called McMurray contracts. While the public has had no reason to suspect any such improper connection, yet I would venture to suggest, and if I may be pardoned, would request that the committee at the earliest practicable moment make an authoritative finding and statement to the effect that no evidence has been presented tending to establish any improper conduct on the part of either Vice President SHERMAN or Senator CURTIS respecting the subject of this investigation.

"T. P. GORE."

(5) It is established by the evidence that a former Senator from Nebraska, Hon. John M. Thurston, was retained by McMurray as his legal adviser, and that the compensation for his services was upon a contingent basis, but that he had no other interest in the contracts, and his employment was legitimate. Neither is there any evidence that Mr. Thurston attempted improperly to influence any Senator or Representative in respect to the McMurray contracts.

(6) It is established by the evidence that a former Senator from Kansas, Hon. Chester I. Long, subsequent to his retirement from the Senate, was retained by McMurray to assist him in connection with his contracts and to secure the approval thereof and that he was to receive for his services, in addition to his expenses, one-tenth of whatever amount McMurray might ultimately receive from his contracts, and to that extent he was interested therein. His employment, however, was lawful, and there is no evidence that he attempted improperly to influence any Senator or Representative in respect to the said contracts.

With reference to the findings in relation to the employment of ex-Senator Thurston and ex-Senator Long, the committee is of the opinion that while they were lawfully employed to represent Mr. McMurray in the matter of his contracts, McMurray undoubtedly was actuated in engaging their services by the fact that they had served in the Senate and therefore occupied an advantageous position in the matter of assisting him to secure the approval of his contracts or procuring such legislation as might be necessary to insure their approval.

(7) There was a lobby operating in Washington in the interest of the McMurray contracts during the second session of the Sixty-first Congress. No evidence, however, was offered and none could be found to sustain a charge that such lobby resorted to corrupt practices in the interest of such contracts, with the exception of Jake L. Hamon, or that improper overtures were made to any Member of Congress except as herein stated.

(8) Evidence to sustain the charge that bribery, fraud, or undue influence was exerted on behalf of the approval or the procuring of contracts between J. F. McMurray or any other person or persons and the Choctaw and Chickasaw tribes of Indians or any members thereof, or any of the Five Civilized Tribes, the Osage Indians or any members thereof, is limited to the overtures alleged to have been made by McMurray to D. C. McCurtain. The committee believes McMurray sought to obtain the unwavering influence of Principal Chief Green McCurtain, of the Choctaw tribe, and also of his son, Delegate D. C. McCurtain, in support of his contracts, by the transfer of a contingent interest in the contracts to the maximum limit of $25,000 to D. C. McCurtain. It is not probable that such overtures come within the statutory definition of bribery or fraud, but your committee believes that the method employed by McMurray to interest the Choctaw chief and his son is reprehensible and should be characterized by a stronger term than "undue influence." The committee further believes that the mental condition existing among members of the Choctaw and Chickasaw tribes in respect to the good faith of the United States Government in dealing with them has been largely brought about through an effort by McMurray and members of the tribes financially interested or sympathetically cooperating with him to create a sentiment which was designed to aid McMurray in obtaining lucrative contracts with the Indians which otherwise would have been impossible.

INDIAN CLAIMS—CONTINGENT FEES.

The committee made inquiry for the purpose of ascertaining to what extent appropriations have been made by Congress in recent years for the payment of Indian claims, together with the amount of attorney's fees paid. (See testimony, pp. 605–607.) The fees referred to in the testimony amount to nearly $4,000,000, and some of them

were exorbitant, unconscionable, and in contravention of public policy, notwithstanding the fact that they had the direct or indirect approval of Congress.

Many Indian claims, antiquated and without meritorious basis, have been trumped up against the Government by industrious attorneys, claim agents, and professional lobbyists, until there is now pending, in one form or another, in the departments and before Congress, claims of this character amounting to many millions of dollars.

In the present Congress scores of bills have been introduced on the subject of these antiquated claims for no other purpose than to provide a dragnet for obtaining information from the departments with the object of bolstering up these questionable claims, and if an adverse report on one of these bills is authorized by the Committee on Indian Affairs, forces are immediately put in motion in behalf of the same purpose and another bill of the same import is likely to be introduced in the name of some accommodating Member of Congress, who gives the matter slight consideration, depending upon the Committee on Indian Affairs to sift the facts and dispose of the bill. The practice of lobbyists has become so bold that it has happened since this report has been in process of formulation for submission to this House, an adversely reported bill has been succeeded on the committee's calendar by another of similar import without even the knowledge of the Representative in whose name it was introduced. In case of adjournment of Congress without any action by the committee, other bills make their appearance in the succeeding Congress, and so the procedure continues indefinitely in the hope that ultimately a committee and a Congress may be found that will provide the appropriation with the contingent fee attachment.

Of course the purpose of those actively engaged in exploiting such claims is to obtain the fee contracted for upon a contingent basis. The effect of such compensation for adventurers who, quoting the language of the Supreme Court of the United States, "make market of themselves in this way," should receive the careful consideration of Congress. The committee is of the opinion that the court could not have expressed itself more pertinently to many contracts which have been the subject of investigation by this committee within the past eight months than it did in the case of Marshall *v.* Baltimore & Ohio Railroad Co. (57 U. S., 314, 335), when it said:

"Bribes, in the shape of high contingent compensation, must necessarily lead to the use of improper means and the exercise of undue influence. Their necessary consequence is the demoralization of the agent who covenants for them; he is soon brought to believe that any means which will produce so beneficial a result to himself are 'proper means'; and that a share of these profits may have the same effect of quickening the perceptions and warming the zeal of influential or 'careless' Members in favor of his bill."

Again, in the case of Trist *v.* Child (21 U. S., 441, 451) the court expressed itself as follows:

"The agreement in the present case was for the sale of the influence and exertions of the lobby agent to bring about the passage of a law for the payment of a private claim, without reference to its merits, by means which, if not corrupt, were illegitimate, and, considered in connection with the pecuniary interest of the agent at stake, contrary to the plainest principles of public policy. No one has a right, in such circumstances, to put himself in a position of temptation to do what is regarded as so pernicious in its character. The law forbids the inchoate step, and puts the seal of its reprobation upon the undertaking."

In the same case the court continued by making the following observations:

"If any of the great corporations of the country were to hire adventurers who make market of themselves in this way to procure the passage of a general law with a view to the promotion of their private interests, the moral sense of every right-minded man would instinctively denounce the employer and employed as steeped in corruption, and the employment as infamous. * * *

"The prohibition of the law rests upon a solid foundation. A private bill is apt to attract little attention. It involves no great public interest, and usually fails to excite much discussion. Not infrequently the facts are whispered to those whose duty it is to investigate, vouched for by them, and the passage of the measure is thus secured. If the agent is truthful, and conceals nothing, all is well. If he uses nefarious means with success, the springhead and the stream of legislation are polluted. To legalize the traffic of such service would open a door at which fraud and falsehood would not fail to enter and make themselves felt at every accessible point. It would invite their presence and offer them a premium. If the tempted agent be corrupt himself, and disposed to corrupt others, the transition requires but a single step. He has the means in his hands, with every facility and a strong incentive to use them. The widespread suspicion which prevails, and charges openly made and hardly denied, lead to the conclusion that such events are not of rare occurrence. Where the avarice of the agent is inflamed by the hope of a reward contingent upon success, and to be graduated by a percentage upon the amount appropriated, the danger of tampering in its worst form is greatly increased."

The case of Adams, with contracts for claims representing more than $20,000,000, in which he has a contingent interest ranging from 10 to 35 per cent, presents a good example of the necessity and advisability of enacting legislation limiting the fees that shall be paid in any case, and the committee recommends that the subject have careful consideration by Congress and that legislation be enacted with this purpose in view.

Furthermore, the committee is of the opinion that the appearance of former Senators and former Members of the House of Representatives in respect to matters where legislation is desired to be procured through their activities, as well as in matters requiring executive or departmental approval, should be discouraged.

OTHER INDIAN CONTRACTS.

The House resolution also directed the investigation of all existing contracts between any person or persons other than J. F. McMurray who have contracts with the Choctaw and Chickasaw tribes, or any member or members thereof, or any other of the Five Civilized Tribes, the Osage Indians, or any members thereof. The committee therefore endeavored to ascertain, and believes it has ascertained, all existing contracts contemplated by the resolution.

The Choctaw Nation has a contract with the firm of McCurtain & Hill, attorneys at law, McAlester, Okla., by which said attorneys are to advise the principal chief upon all legal matters and questions arising and touching the affairs of the Choctaw Nation, and to represent said nation before the Interior Department, the committees of Congress, and in the courts of the United States in the Indian Territory, the Supreme Court of the United States, and the Court of Claims. In other words, to represent them in all matters requiring legal services. The contract provides for a compensation of $8,000 per annum, payable monthly, in addition to actual personal and traveling expenses of the attorneys when away from the place of their residence, and the salary and expenses of a clerk not to exceed $75 per month. (See Appendix, Exhibit 58, p. 1258.)

The Chickasaw Nation has a contract with Messrs. Rodgers & Clapp, attorneys at law, Muskogee, Okla., similar to the contract of McCurtain & Hill with the Choctaw Nation, the compensation being $6,000 per annum, payable in monthly installments, and all reasonable and proper expenses incurred in the discharge of their duties. (See Appendix, Exhibit 48, p. 1344.)

The Cherokee Nation has a contract with William W. Hastings, attorney at law, of Tahlequah, Okla., substantially the same as the two contracts before referred to, which contract provides for an annual compensation of $5,000, payable monthly, and expenses when outside of the State of Oklahoma. (See Appendix, Exhibit 71, p. 1282.)

The Creek Nation has a contract with M. L. Mott, an attorney at law, residing at Muskogee, Okla. The terms thereof are similar to the other contracts referred to and the compensation is $5,000 per annum. (See Appendix, Exhibit 76, p. 1293.)

The Creek Nation has a contract with M. L. Sturdevant, of St. Louis, Mo., to represent the nation in the courts of Oklahoma in matters affecting the right of heirship on the part of full-bloods, the case being known as the Marchie Tiger case, the compensation being fixed and limited to $5,000. This contract was approved by President Roosevelt in accordance with the law. (See Appendix, Exhibit 78, p. 1296.)

The Creek Nation also has a contract with W. L. Sturdevant, of St. Louis, Mo., to represent the nation in the matter of resisting the collection of taxes upon the homestead of any citizen of the Creek Nation, the compensation being fixed and limited to $15,000, out of which all expenses are to be paid; $3,000 of the amount to be paid to Mr. Grant Forman, of Muskogee, and J. Cudy Johnson, a Creek citizen, of Wewoka, Okla., attorneys at law, employed to assist the said Sturdevant. (See Appendix, Exhibit 78 A, p. 1297.)

The Osage Tribe has a contract with Messrs. Kappler & Merillat, attorneys at law, Washington, D. C. This contract contemplates that they are to represent said nation before the executive departments and the committees of Congress and the courts of the United States in all proceedings relating to the tribal rolls, lands, or funds in which said nation may be interested. The compensation is $5,000 per annum and necessary traveling expenses or costs incurred in the courts or in the executive or other departments of the Government in the prosecution of matters in which said nation is interested. (See Appendix, p. 1299.)

The seven contracts last referred to were all duly approved by the President or Secretary of the Interior as provided by law.

The tribes mentioned in the contracts referred to have large and valuable properties, and there are many questions constantly arising relative to their affairs which require the services of attorneys, and in the opinion of the committee, notwithstanding the obligation of the Government to administer their affairs and finally dispose of and distribute their estates, they should be permitted to have the aid of counsel of their own selection. The contracts specifically mentioned are all with reputable attorneys and at a reasonable compensation.

The Creek Nation also has a contract with Messrs. Butler & Vale and Kappler & Merillat, attorneys at law, Washington, D. C., by which said attorneys agree to represent said nation in the matter of a claim of the Creek Nation to compensation from the United States in which the Indians contend that the Government owes them a sum sufficient to equalize the allotments of the members thereof in accordance with their interpretation of the terms of an agreement between the Government and said nation. This contract is contingent and the attorneys are to receive 10 per cent of whatever amount may be recovered.

This contract does not appear to have been approved in accordance with the law. (See Appendix, Exhibit 79, p. 1298.) If the contention of the nation should prevail it would recover nearly $4,000,000. Under the terms of the contract the attorneys would receive a compensation greater than the services rendered would justify, and if legislation ever should be enacted in recognition of this claim, there should be a limitation in respect to the amount of attorneys' fees to be determined on a basis of quantum meruit.

The Osage Nation has a contract with Messrs. Kappler & Merillat, attorneys at law, Washington, D. C., by which said firm are to undertake to recover from the United States an amount claimed by the Indians to be due them under their interpretation of the terms of a treaty executed in 1865, and the compensation is contingent upon success, and upon the sum which may be recovered. There is involved in this claim nearly $800,000, and the committee makes the same recommendation with respect to attorneys' fees in this case as has been made with reference to the Creek equalization contract. (See Appendix, Exhibit 82, p. 1301.)

The Choctaw Nation made a contract with Mr. Ormsby McHarg, an attorney at law, New York City, in which the said McHarg is required to cooperate and advise with the general attorneys of the nation in all legal matters and questions touching the affairs of said nation. The compensation provided in this contract is $12,000 per annum, payable monthly, and in addition thereto the personal and traveling expenses of Mr. McHarg while out of the city of Washington engaged in the service of the Choctaw Nation. This contract was approved by the President as provided by section 28 of the act of April 26, 1906. (See Appendix, p. 1257.)

In the opinion of this committee this contract is not justified on business principles, and the fact that the compensation is paid from funds of a trust nature under the control of the United States as trustee makes it more important that the contract should be just and equitable than it would be if the Government were employing an attorney on its own behalf to be paid from public funds. When it is considered that McHarg receives a salary equal to that of the Attorney General of the United States and almost equal to that of the Chief Justice of the United States, the excessive compensation paid for his "cooperation and advice" in Choctaw affairs is manifest. One firm of competent attorneys is sufficient to look after the litigation and other matters of interest to the nations requiring the advice of counsel, and it is the opinion of the committee that the McHarg contract can be terminated without prejudice to the interests of the Choctaw Nation.

CONCLUDING OBSERVATIONS.

Under existing law the enrollment of the Five Civilized Tribes was completed on March 4, 1907, and no provision has since been made for the enrollment of additional persons. It appears that there are several thousand persons who are and have been for many years

claiming and demanding that they be enrolled for various reasons. Undoubtedly there are some meritorious cases that should receive consideration and attention before the termination of Federal supervision of the affairs of the nations and the final distribution of the tribal estate. Most of these claimants are represented by attorneys who have contracts with them to pay from 10 to 50 per cent of the value of their interest, contingent upon enrollment, and in two instances it appears that syndicates have been formed for the purpose of prosecuting these claims. These syndicates have advanced considerable sums of money in order to enable attorneys to prosecute their work, the parties furnishing the money to be reimbursed and to participate in the net proceeds that may be derived by the attorneys under their contracts with their clients. In some instances the fee contemplated by the attorneys is not excessive considering the service and the uncertainty of success, but in others the fee provided by contract is excessive and the committee believes that if legislation is ever enacted providing for the enrollment of additional persons it should be safeguarded by a provision with reference to attorney's fees by requiring the fee to be determined on a basis of quantum meruit.

Copies of the forms of contracts of this class are submitted as exhibits in the appendix.

The committee found much sentiment among the members of the Choctaw and Chickasaw Nations, a percentage equaling 85 or 90 per cent favoring the individual and tribal contracts with Mr. McMurray, contracts contemplating fees aggregating several millions of dollars, being a virtual surrender of a considerable portion of their estate. The committee, while in Oklahoma, were impressed with the fact that many members of these nations are business men of far more than ordinary ability and intelligence, who are successful in their own business affairs, some being identified with large business concerns, such as banking and commercial enterprises. These, as well as the less intelligent and more humble members of the nations, alike agreed that they had lost confidence in the capacity or desire on the part of the Government to conclude to their satisfaction their affairs. Many of these witnesses testified that they would not only pay 10 per cent, but 25 per cent, and in some instances witnesses said they would pay 35 per cent for an immediate settlement. This dissatisfaction appears to be based upon the following reasons:

Failure on the part of the Government to carry out its agreement with the Indians in not having closed up the affairs of the nations by March 4, 1907. The fact that the Government agreed that the lands allotted should be exempt from taxation for 21 years and subsequently removed the restrictions upon many of the lands by an act of Congress and thereby subjected them to taxation, has caused great dissatisfaction on the part of the Indians. The fact that there are large numbers of persons who claim the right to enrollment in one or the other of these two nations, and the fear that legislation will be enacted by which many of these persons may be enrolled and thereby materially reduce the tribal wealth per capita, has much to do with the feeling of dissatisfaction existing among the Indians and in a measure accounts for their willingness to contract to pay a substantial portion of what they may receive for an early settlement. Many of them have become discouraged, and there is more or less sentiment in these two nations that final settlement and distribution may not occur in the lifetime of the present generation.

While it is true the Government has not fulfilled assurances made to the Indians when agreements were entered into, and has not carried out fully the terms of the agreement as to the time when the final settlement was to have been made, it does not seem possible to have done more than has been done toward concluding the affairs of the nations. Delays caused on account of litigation, questions made complicated by court decisions, completing of the allotments, and many other questions that could not have been foreseen have arisen, but the Government has actively administered the affairs of the nations looking toward a final settlement, and with some additional legislation there is no reason why there should not be a termination and final settlement within the next few years.

McMurray seems to possess the confidence of a great many of the members of the two nations, due probably to the fact that he has been successful in securing legislation and in the prosecution of claims that have meant much to the nations, and there seems to be a sentiment that he possesses some mysterious power by which if he is actively employed he can facilitate an early settlement, and it is because of that sentiment and for the reasons above stated that it is easy for him to secure contracts with the two nations and with so many individual members.

For many years the Five Civilized Tribes formed a distinctive community in the Indian Territory. Each tribe had its local form of government, and all of them for many years were treated by the United States as dependent nations within its borders. The corruption and incompetence of the Indian governments became so notorious that the United States finally decided to set in motion forces looking to the ultimate termination of the Five Tribes as a distinctive community. Realizing the dominant power of the United States over them and facing the inevitable dissolution of their governments, the tribes reluctantly entered into agreements with the United States with that end in view. The history of legislation and administration having for their purpose the dissolution of the tribal governments have formed a novel chapter in our history.

The first step looking to the removal of these anomalous conditions in our form of government was to determine the rights of claimants to citizenship in the Five Tribes, with the result that the aggregate population of the several nations was found to be something over 100,000 persons. The next step in carrying out the purpose of the Federal Government, with the reluctant consent of the Indians, was to arrange for a distribution of their estate on a per captia basis among the citizens of the several tribes. The administration of their affairs has progressed to the point where their lands have been allotted to them in severalty, and the disposition of the surplus property is pressing for final action. The value of the undistributed estate has been variously estimated from $20,000,000 to $150,000,000, with the lesser amount probably approximately correct. The principal part of this estate belongs to the Choctaw and Chickasaw Nations, and consists of segregated and unallotted lands chiefly valuable for timber and minerals.

The Osage Indians, with a population of about 2,200, are estimated to be the richest people per capita on the face of the earth. They have received allotments of lands in severalty, but still have community interests in oil leases, from which large revenues are derived. Already in the Treasury of the United States a common fund stands to their credit amounting approximately to $8,000,000.

The affairs of this tribe, like the affairs of the Five Civilized Tribes, are being administered under the supervision of the Federal Government. It is commonplace to say that it is incumbent upon the Government at all times to promote and safeguard the material interests and the general welfare of these peoples.

Considering the general standard of intelligence and civilization of these tribes and the great value of their estate, they should be consulted by the Government in administering their affairs and should be permitted to employ counsel to represent them, not only in the courts but before the departments and the Congress, but the responsibility for action is upon the Government, and it is its duty to protect them not only from themselves, as it was decided necessary to do in the closing years of the last century, when the dissolution of their tribal government was decreed, but likewise to protect their estates from plunder by rapacious white men, to many of whom so large a prize appeals beyond their power of self-restraint. Accordingly the most thoughtful consideration should be given by both Houses of Congress to future legislation looking to the final act in the settlement of the affairs of the several tribes.

Respectfully submitted.

CHAS. H. BURKE.
PHIL. P. CAMPBELL.
C. B. MILLER.

I concur in the findings and recommendations of the report.

E. W. SAUNDERS.

VIEWS OF MR. STEPHENS OF TEXAS.

I beg leave to dissent from the above majority report in so far as it disagrees with the answers to the 16 questions submitted to me for answer by the chairman of this committee.

First. Was Senator GORE approached by Jake L. Hamon substantially as charged by Senator GORE on the floor of the Senate June 24, or did Hamon make any improper proposal to Senator GORE respecting the McMurray contracts on May 6, or on any date prior or subsequent thereto?

Answer. Yes.

Second. If so, was Hamon, in whatever negotiations he may have sought with Senator GORE, acting by authority or with the consent or knowledge of McMurray?

Answer. Probably; but the evidence does not prove it beyond doubt.

Third. Was any Member of the House of Representatives approached by Hamon substantially as charged by Senator GORE in his statements on the floor of the Senate June 24, 1910?

Answer. Yes.

Fourth If so, was Hamon acting as agent of McMurray, or with his consent or knowledge?

Answer. Same as to question No. 2, but slightly more evidence.

Fifth. Was any Member of the House of Representatives interested in the McMurray contracts?

Answer. The preponderance of evidence shows a questionable activity on the part of one Member that, to my mind, indicates an interest.

Sixth. Was a Member of the Senate interested in the McMurray contracts?

Answer. The evidence does not prove such an interest.

Seventh. Was a former Senator from Nebraska interested in the McMurray contracts?

Answer. Yes.

Eighth. If so, was he improperly interested?

Answer. The evidence shows no impropriety.

Ninth. Did he attempt improperly to influence any Senator or Representative in respect to the McMurray contracts?

Answer. No testimony to show that he did.

Tenth. Was a former Senator from Kansas interested in the McMurray contracts?

Answer. Yes.

Eleventh. If so, was he improperly interested?

Answer. The evidence shows no impropriety.

Twelfth. Did he attempt improperly to influence any Senator or Representative in respect to the McMurray contracts?

Answer. The evidence does not show that he did.

Thirteenth. Was a corrupt lobby operating in Washington in the interest of Indian contracts during the second session of the Sixty-first Congress?

Answer. The evidence shows that one person at least made corrupt proposals in connection with such contracts.

Fourteenth. If so, did such lobby improperly influence any Representative or Senator, or did any member of such lobby make any improper overtures to any Member of Congress?

Answer. The answer to this question may be found in answer to questions 5 and 13.

Fifteenth. Was bribery, fraud, or any undue influence exerted on behalf of the approval or procuring of contracts between J. F. McMurray or any other person or persons, and the Choctaw and Chickasaw tribes of Indians or any members thereof, or any other of the Five Civilized Tribes, the Osage Indians or any members thereof?

Answer. The evidence proves an improper proposal to D. C. McCurtain on the part of McMurray, an improper proposal to Gov. Green McCurtain on the part of George W. Scott, and an improper proposal to W. A. Durant, speaker of the Choctaw Council, by George W. Scott and Tom Sanguin, as well as other questionable methods and transactions.

Sixteenth. Subsequent to May 6, 1910, were Senator GORE's relations with Hamon and his conduct toward McMurray such as to justify the belief that he (GORE) treated any improper overtures made by Hamon as seriously made by Hamon or made with the knowledge or consent of McMurray?

Answer. The conduct of Senator GORE taken as a whole, including the final disclosures and the conduct of his secretaries, leaves no room to doubt that he regarded Hamon's offer as serious and as authorized by McMurray. It is impossible for me to believe or imagine that he regarded Hamon's offer as a jest or as a joke.

I do not feel called upon to speculate upon this subject; that duty is not imposed upon me. There is no fixed standard of conduct in such a case. Different men would act differently under such circumstances according to the differences of temperament and judgment. Some men perhaps would have answered with a blow. GORE stated that Hamon had done him some favor, and said in substance that he thought it might be best to allow events to take their course, with the idea that sufficient evidence might accumulate which would leave no doubt as to the guilty parties and their guilty connections. This motive and object

was justifiable and his conduct consistent with the end in view. He forbade Hamon to mention the subject to him again and the visits of Hamon and the visits of McMurray were of their own seeking. His opposition to the contracts was active from May 6 until the disclosure was made in the Senate. He wrote letters of protest to the Attorney General. He secured the passage of a bill on May 12 to prohibit the contracts. He offered an amendment to a House bill for the same purpose on or about June 6, and finally secured an amendment to the general deficiency bill on June 21. He advised his brother of Hamon's offer immediately after it was made, also told Senator LA FOLLETTE during the afternoon. He told his wife that night and Congressman CARTER the next day. He assured LA FOLLETTE that he would make the disclosure whenever, if ever, it became necessary to protect the Indians. He did make the disclosure when it became necessary for the protection of the Indians. He stated that he would do his duty when the occasion arose, and, in my judgment, he did his duty when the occasion arose. I am not sure that a man should be subjected to criticism for deferring the performance of such a duty until the necessity became imperative, and I do not care to indulge in speculations upon conventional deportment under the stress of such circumstances.

It is my judgment that had Senator GORE not made the statement, first to a conference committee on an Indian bill and later on the same day to the open Senate, exposing the corrupt methods attempted by Hamon to secure the approval of the McMurray contracts, said contracts would have been approved. These statements by GORE put the House of Representatives on its guard and prevented the approval of the contracts, and this caused the investigation, and it is my firm belief that Senator GORE deserves the commendation of all honest men in making it possible to defeat those outrageous contracts which, if ratified, would have despoiled the Indians of several million dollars.

I further dissent from the views of the majority in their report in this: The report denies that there was a corrupt lobby in Washington seeking the approval of the McMurray contracts, except Hamon only. The fact is that Senator GORE did not use the words "corrupt lobby," but did say that a "powerful lobby" was in Washington in McMurray's behalf. There was, I maintain, a powerful lobby engaged by McMurray. He admits having in his employ two ex-United States Senators—Long and Thurston—also Dick Adams, whose telegraphic activity in McMurray's behalf was amazing. I find that the legal definition of "lobby" is "to urge the passage of a bill by personal influence addressed to the individual legislator." The duty of these employees—Long, Thurston, and Adams—would compel them to lobby through Congress, at that session, the very kind of an amendment that MCGUIRE says he received from either McMurray or Gov. Johnson and had Mr. TAWNEY offer it as an amendment to a bill before a conference committee; this amendment, if it had been incorporated in the law, would have, through the agency of MCGUIRE, secured to McMurray the approval of contracts that would have been worth to him a vast sum of money, and would have despoiled the Indians of the same. The majority members of this committee have heretofore, through the public press, acquitted Mr. MCGUIRE of having any interest in these contracts.

Through the agency of Senator GORE in exposing these contracts in the Senate, as shown by the evidence, this MCGUIRE amendment was defeated, thus defeating the McMurray contracts and causing this investigation to be ordered.

I further dissent from the majority report because in effect it states that there is nothing showing that McMurray knew of Hamon's corrupt activity in his behalf. Is any person credulous enough to believe that McMurray and Hamon and McGuire, all of whom are shown by the evidence to have lived at that time in the Occidental Hotel in this city (and admit being often together), did not discuss these McMurray contracts or endeavor in any way to aid him to secure their approval? This report states, as framed by the majority, that the fact that Hamon once went to GORE'S house is a suspicious circumstance—to show, I presume, collusion of friendship between them—yet this majority report wholly ignores the fact that Hamon, the same man that was once seen with GORE, lived in the same hotel with McMurray and McGuire—thus ignoring everything that would tend to show that Hamon, McGuire, and McMurray were in each other's confidence—and was aiding McMurray in every way he could to secure the approval of these contracts, as I have stated above.

JNO. H. STEPHENS.

ORGANIZED MILITIA.

The Clerk read as follows:

SEC. 2. That under such regulations as the Secretary of War and the National Militia Board shall prescribe each enlisted man of the Organized Militia of each State, Territory, and the District of Columbia shall receive in compensation for his services, other than at annual encampments or in case of riot, insurrection, or invasion, 25 per cent of the annual rate of pay for enlisted men of like grade in the Army of the United States as is now or may be hereafter established by law for attendance upon 48 drills or equivalent military duty prescribed by statutes or in orders by the commander in chief of his State or Territory or the commanding general of the District of Columbia during any one year, or a proportionate amount for attendance upon any number of drills or equivalent military duty not less than 20: *Provided*, That no compensation shall be paid for attendance at less than 20 such drills or equivalent military duty: *Provided further*, That the compensation provided for herein shall be computed and paid semiannually as proportioned above: *And provided further*, That no compensation hereunder shall be paid to any enlisted man, except noncombatants, in the first year of his enlistment unless and until he shall have made a record score with the prescribed weapon of his arm of the service, nor thereafter unless and until he shall have fired the prescribed course or such equivalent as shall be prescribed by the Secretary of War and the National Militia Board.

With the following committee amendment:

Page 2, line 22, strike out the words "or may be hereafter."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. FITZGERALD. Mr. Speaker, I have an amendment which I desire to offer which strikes out the language which is sought to be stricken out by the committee amendment. If my motion takes preference, I want to submit it at this time.

Mr. TURNBULL rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Virginia rise?

Mr. TURNBULL. To offer an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 20, strike out all after the word "invasion" to and including the word "law," in line 23, and insert "not to exceed $45 per annum."

Mr. FITZGERALD. Mr. Speaker, under the bill as at present constituted, enlisted men in the Organized Militia may receive not to exceed 25 per cent of the pay of an enlisted man in the Regular Army. The pay of an enlisted man in the Regular Army is $15 a month, or $180 a year. The amendment proposed by me provides than an enlisted man in the Organized Militia shall receive not to exceed $45 per annum.

The purpose is, Mr. Speaker, to avoid the agitation for an increase of the percentage of the pay of enlisted men in the Army in case this bill becomes a law. If it be deemed sufficient now to pay 25 per cent of the pay of an enlisted man in the Army, as that amount can be fixed definitely, I imagine those favoring this bill would be willing to place the amount in the bill. If we enact this bill into law and provide that 25 per cent of the pay of enlisted men in the Regular Army be paid to men in the Organized Militia, pressure to increase the percentage will immediately commence and it will not cease until the enlisted men in the Organized Militia are obtaining 100 per cent of the pay of an enlisted man in the Regular Army. As soon as they are paid the 100 per cent, then a movement to increase the pay of enlisted men in the Regular Army, in order that the enlisted men in the Organized Militia might be the beneficiaries, would be irresistible.

Mr. DALZELL. Does the gentleman understand that the words "or may be hereafter" have been stricken out?

Mr. FITZGERALD. Yes, I understand that. If the gentleman will permit, it refers, unless I am mistaken, to the grade, not to the amount of pay. It says, "annual rate of pay for enlisted men of like grade"——

Mr. DALZELL. Oh, no.

Mr. FITZGERALD. "As is now or may be hereafter established" the "hereafter" refers to the grade, not to the rate of pay.

Mr. DALZELL. It clearly relates to the rate of pay.

Mr. HAY. It refers to the number of men who may hereafter be put in the Army Establishment.

Mr. DALZELL. Where does the gentleman's amendment end; what is the line that is stricken out?

Mr. FITZGERALD. My amendment ends with the word "law" in line 23. The gentleman from Pennsylvania will realize that men in the Army get longevity pay and the grades are fixed by the length of service. Now, if some additional grade be established it will make that difference and it will create this pressure for an increase of the percentage of the men to be paid.

Mr. CLARK of Missouri. If the gentleman will allow me, there are half a dozen ways and variations of paying these soldiers; some of them get increase in the amount of pay for fine marksmanship, and some have longevity pay, and some get pay for one thing and another.

Mr. DALZELL. I do not see any objection to that myself.

Mr. FITZGERALD. I am inclined to believe that if the understanding is that we are to pay $45 a year, which is 25 per cent of the pay——

Mr. DALZELL. That is the way the bill reads now; that is what the bill means now.

Mr. FITZGERALD. There is considerable doubt about the effect of the bill as it now stands. If we put in the amount which equals 25 per cent, there can be no doubt, and it eliminates that question.

Mr. STEENERSON. I will state to the gentleman——

Mr. FITZGERALD The gentleman realizes there will be a movement to increase the percentage, and we eliminate that danger by fixing the amount that may be paid.

Mr. STEENERSON. I was going to say to the gentleman, if he is willing to listen, that all the officers who appeared before the committee stated that according to their computation it amounted to $48 a year.

Mr. FITZGERALD. Well, I will substitute "forty-eight" for the "forty-five," and that will make $1 a drill. Mr. Speaker, I ask to modify my amendment by changing "forty-five" to "forty-eight."

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to modify his amendment so it will read as the Clerk will report.

The Clerk read as follows:

Page 2, line 20, strike out all after the word "invasion" down to and including the word "law," in line 22, and insert "not to exceed $48 per annum."

The SPEAKER pro tempore. The question first recurs on the amendment reported by the Committee on Rules to perfect the text, which is to strike out, in line 22, the words "or may be hereafter."

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now recurs on the amendment of the gentleman from New York [Mr. FITZGERALD] to strike out and insert.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. TURNBULL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of the paragraph after word "above," in line 8 of page 3, and insert the following:

"*And provided further*, That enlisted men, except noncombatants, shall receive as compensation hereunder only one-half of the compensation herein provided in the first year of their enlistment and until they shall have made a record score with the prescribed weapon of their arm of the service, nor thereafter until they shall have fired the prescribed course or such equivalent as shall be prescribed by the Secretary of War and the National Militia Board."

Mr. TURNBULL. Mr. Speaker, as I understand it, one of the great troubles is to keep the companies up to the required practice. A provision contained in the bill now does not allow the enlisted men anything for the first year. Therefore this provision contained in the bill does not tend to cause the men to enlist, for they receive no pay at all during the first year. And the object of my amendment is to allow them one-half of the pay provided by the bill during the first year and until they come up to the required standard.

Mr. STEENERSON. Mr. Speaker, I hope the amendment will be voted down. The bill is all right as it is.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was rejected.

The Clerk proceeded with and completed the reading of the bill.

The following amendments, reported in the rules, were also read:

Strike out all of lines 23, 24, and 25, and on page 4, line 1, down to and including the word "*Provided.*"

In line 14, page 4, insert the words "on the charge of desertion."

In line 16, after the word "conviction," strike out "shall be guilty of the crime of desertion and."

Mr. FLOYD of Arkansas. Mr. Speaker, I have an amendment which I wish to offer to the section.

The SPEAKER pro tempore. The Clerk will report the first amendment provided for by the rule.

The Clerk read as follows:

Page 3, strike out lines 23, 24, and 25; and on page 4, strike out line 25; and on page 4, line 1, strike out "otherwise appropriated: *Provided.*"

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FLOYD of Arkansas. Mr. Speaker, I have an amendment which I desire to offer to the section.

The SPEAKER pro tempore. The gentleman will have opportunity at the proper time. The Clerk will now report the other amendments provided for in the rule, which are amendments to the committee amendment.

The Clerk read as follows:

Amend the committee amendment, page 4, line 14, after the word "trial" by inserting the words "on the charge of desertion."

In line 16, after the word "conviction," strike out "shall be adjudged guilty of the crime of desertion and."

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to offer my amendment now.

The SPEAKER pro tempore. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 5, on page 4, beginning in line 1, by striking out the colon and by inserting a period, and by striking out all the remainder of the section.

The SPEAKER pro tempore. The Chair would suggest to the gentleman from Arkansas that that portion of section 5 before the colon, on the top of page, has already been striken out.

Mr. FLOYD of Arkansas. Then I move to strike out the whole section.

The SPEAKER pro tempore. It is not a question now of striking out. It is a question of agreeing to the amendment as amended. All the gentleman needs to do to strike it out is to see that it is not agreed to.

Mr. FLOYD of Arkansas. I would like to be heard for a moment.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT. Is all of the language after the word "appropriated" on page 4 an amendment?

The SPEAKER pro tempore. It is all a committee amendment.

Mr. GARRETT. And if it fails of adoption——

The SPEAKER pro tempore. There will be nothing left to section 5.

Mr. GARRETT. Then that will eliminate section 5 entirely?

The SPEAKER pro tempore. That will eliminate section 5.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to be heard.

The SPEAKER pro tempore. The gentleman from Arkansas is recognized.

Mr. FLOYD of Arkansas. Section 5, with the proviso, which itself is an amendment, contains the amendment proposed by the War Department, which I have urged as a most serious objection to this bill. I do not desire to take up the time of the House, but will simply state that the amendment proposed by the War Department, and to which I most seriously object, may be stricken out by voting down this committee amendment.

Mr. DALZELL. Mr. Speaker, in the rule as reported, that amendment, so called, on page 4, after the word "provided," is treated as part of the bill.

The SPEAKER pro tempore. Well, it is a part of the bill as reported, but it is a committee amendment, and the rule does not provide for the treatment of any of the amendments in any other way than that in which they are ordinarily treated in the consideration of a bill under the five-minute rule.

Mr. DALZELL. It makes no difference, except that——

The SPEAKER pro tempore. The question is on agreeing to the committee amendment as amended.

The question was taken; and on a division (demanded by Mr. FLOYD of Arkansas) there were—ayes 99, noes 61.

Mr. GARRETT. Mr. Speaker, I demand tellers.

Mr. FLOYD of Arkansas. I demand the yeas and nays, Mr. Speaker.

The SPEAKER pro tempore (after counting). Twenty-three gentlemen have risen; not a sufficient number, and the yeas and nays are refused.

Mr. GARRETT. Mr. Speaker, I renew my demand for tellers.

Tellers were ordered, and the Speaker pro tempore designated Mr. DALZELL and Mr. FLOYD of Arkansas to act as tellers.

The House again divided; and the tellers reported—ayes 97, nays 74.

So the committee amendment as amended was agreed to.

[Mr. LANGLEY addressed the House. See Appendix.]

Mr. HOWLAND. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read the amendment, as follows:

On page 4, after line 25, add the following:

"*And provided further*, That all officers of the militia holding commissions at the time they are called into the service of the United States, and reported fit for military service by the Secretary of War, and so carried upon the rolls of The Adjutant General of the Army, shall be nominated for a commission by the President of the United States for the rank for which such officer is found qualified, and when confirmed by the Senate shall be commissioned by the President as an officer in the military service of the United States for the period for which the organization with which said officer is to perform duty is accepted."

Mr. HAY. Mr. Speaker, I make a point of order on that.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. HAY. It is not germane, and it provides by law to have these officers put into the United States Army, while this bill pertains entirely to the Organized Militia.

The SPEAKER pro tempore. The Chair is of the opinion that the bill is so broad that it would warrant the amendment, so far as its being germane is concerned. The Chair therefore overrules the point of order.

The gentleman from Ohio [Mr. HOWLAND] is recognized.

Mr. HOWLAND. Mr. Speaker, I shall not detain the House in an attempt to discuss this amendment at length, but I wish to say that we might as well frankly state the object sought to be accomplished by this bill, and that is that this legislation is intended to make of the National Guard of the several States a strictly Federal force. My amendment provides that as soon as officers of the National Guard are called into the service of

the United States the appointments which they hold as officers of the militia under the governors of the several States shall terminate and they shall then be commissioned by the President of the United States, with the consent of the Senate, so that the officers of the military arm of this Government in actual service in time of war shall derive their authority from and hold their commissions under the Federal Government. We have read somewhere that a man can not serve two masters. This applies with all its original force to the military service, both as to men and officers.

Mr. ANTHONY. May I interrupt the gentleman?

Mr. HOWLAND. Yes.

Mr. ANTHONY. Would not the effect of the gentleman's amendment be that in States which have about 100 colonels to a dozen privates they would put all those colonels and major generals right into the Federal service?

Mr. HOWLAND. No; under my amendment many might be called and few chosen.

Mr. TAWNEY. Right in that line I want to suggest this: Is not the purpose of this bill to increase the efficiency of the militia, so that it can be utilized in case of war? And would it not be proper, therefore, to provide that all officers who have been educated at the expense of the Federal Government in the manner provided in this bill shall be eligible to appointment as commissioned officers in the event of war?

Mr. HOWLAND. I see no objection to that; but the gentleman from Kansas [Mr. ANTHONY] asked me a question. My amendment provides that when those gentlemen who hold commissions in the National Guard are called into the service of the United States, if found by the Federal authorities to be fit, may receive commissions from the President, with the consent of the Senate, and hold the same during the time that the organization to which they belong remains in the Federal service, so that it does not take them into the Federal military establishment at all, except during the time that their organizations remain in the service.

Mr. ANTHONY. Is not the gentleman's amendment too broad? Is not the organization of some of the States top-heavy with major generals, and would you not create an army of major generals?

Mr. HOWLAND. Oh, it is not compulsory that they be taken into the service, because under the bill as now drawn, before I offered this amendment, they can be taken or left, just as the Federal authorities please, and their rank would not be determined by that which they held in the militia, but on the military qualifications which they satisfy the Federal authorities that they possessed at the time they were commissioned in the Federal Army.

Mr. COOPER of Wisconsin. Did I understand the gentleman to say that the bill contemplated the appointment of the officers of the militia by the President of the United States?

Mr. HOWLAND. The bill does not, but I propose to find out whether some of the enthusiasm back of this bill to make a Federal force will go to the extent of allowing the Federal Government to name the officers in that Federal force. [Applause.]

Mr. COOPER of Wisconsin. The gentleman is familiar with the provision of the Constitution——

Mr. HOWLAND. I am familiar with that clause in the Constitution.

Mr. COOPER of Wisconsin. The gentleman is familiar with the provision which requires that the appointment of the officers is reserved to the States, respectively.

Mr. HOWLAND. For the militia; but as soon as the militia go into the Federal service they become a Federal force and cease to be a State force. That is just the point exactly. Therefore the power should attach to the Federal Government to appoint the officers, and all officers in the military service of the United States should derive their power from the Federal Government.

Mr. COOPER of Wisconsin. Will the gentleman wait one moment? I should like to have him construe this provision of the Constitution, that Congress has power—

To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Mr. HOWLAND. That provides for the appointment of officers in the militia by the governors, and I have no quarrel with that clause in the Constitution, but I make the point that when the militia is called into the service of the United States they cease from that moment to be militia and become Federal soldiers; and they then come squarely under the constitutional provisions, which says Congress shall have power to provide—

For governing such part of them as may be employed in the service of the United States.

I know that the States are jealous of this power, and I also know that in our history all kinds of friction has grown out of this very situation. Political generals and lesser officers have been foisted onto the Federal Government in times past, and probably will be again in the future unless some change is made.

Now, when the militia organizations of the States are knocking at the doors of the Federal Treasury, is the best time in the world to place a legislative construction upon the particular clause in the Constitution which has been the cause of so much difficulty in the past, and make of the officers, as well as the men of the militia, a real dependable Federal force.

I am in sympathy with the main objects of this legislation, but if the militia is to be "organized, armed, disciplined, and equipped" at Federal expense and placed on the Federal pay roll in time of peace, it is no more than fair that when called into actual service in time of war it should be a real Federal force. The enlisted man under this bill is getting the short end of this bargain and the officers the long end. The enlisted man must serve two years after he is called into the service of the United States, even though his term of enlistment may be almost at an end, and is subject to court-martial as a deserter if he does not respond promptly. The officers are in terms covered in the same language, but it is easy to get officers, and, in fact, they might not be wanted, but every enlisted man would be forced to respond promptly.

While there seems now to be considerable enthusiasm for this bill among the National Guard, I am afraid the hope of a Federal appropriation has caused them to overlook some points in this legislation which may in the future rise up to plague them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTLETT of Georgia. Mr. Speaker, I am opposed to this amendment. I am opposed to this bill, which carries with it this section 5, because it undertakes to take away from the States the right to organize the militia, which is required by the Constitution. The amendment with it will absolutely destroy the National Guard or the militia in the States. The gentleman from Ohio [Mr. HOWLAND] is candid enough and open and frank enough to offer an amendment which will go to the extent that you ought to go if you undertake to pass this bill—that is, to destroy forever the right of the States to organize and train the militia in accordance with the provisions of the Constitution of the United States.

I for one would be glad to favor the militia or the National Guard in all the States. In every war they have rendered the services which the citizen soldiery of our country are noted for. They have perpetuated this Government in war by their valor and deeds of courage on the battle field, and I am not willing for any reason to strike down from the States the power and the right and the duty to train and organize the militia of our country in accordance with the provisions of the Constitution. [Applause.] This bill will not aid the militia; it may aid a few officers in the militia, but the end of it will be to injure the militia as a whole.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was lost.

Mr. WEEKS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

And provided further, That nothing in this act shall be so construed as to place on the pension rolls under any existing law any officer or enlisted man serving in the Organized Militia of any State, Territory, or the District of Columbia under the provisions of this act.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read the last amendment as a new section, as follows:

SEC. 6. The Secretary of War shall annually estimate the amount necessary for the carrying out of this act, and no money shall be expended hereunder except as it shall from time to time be appropriated.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed.

Mr. HAY. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The Chair is informed that the engrossed bill is not here, and the bill will be laid aside for the present.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 31806. An act to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act

conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark;"

H. R. 28626. An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes;

H. R. 29360. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 28215. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 20603. An act for the relief of Henry Halteman;

H. R. 18512. An act for the relief of S. H. Robinson, of Allegheny County, Pa.;

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest;

H. R. 26656. An act to prevent the disclosure of national-defense secrets; and

H. R. 30570. An act to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 10457. An act to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907;

S. 9904. An act granting certain rights of way on the Fort D. A. Russell Military Reservation at Cheyenne, Wyo., for railroad and county road purposes;

S. 9903. An act to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric-power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes; and

S. J. Res. 145. Joint resolution providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 10890. An act for the payment of certain claims for damages to and loss of private property; to the Committee on Claims.

S. 5037. An act for the relief of G. A. Embry; to the Committee on War Claims.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 5453. An act for the relief of the legal representatives of M. N. Swofford, deceased; and

H. R. 26606. An act for the relief of Charles A. Caswell.

GENERAL DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules and agree to the following resolution (H. Res. 1002).

The Clerk read as follows:

Resolved, That it shall be in order to consider as a part of the bill (H. R. 32957) making appropriations for the several deficiencies in appropriations for the fiscal year 1911, for prior years, and for other purposes, that portion of the printed copy of the bill contained on pages 82 to 85, numbered as section 3, relating to the proposed fidelity division of the Treasury Department.

The SPEAKER. Is a second demanded?

Mr. MACON. I demand a second.

Mr. CARLIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Virginia moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. CARLIN) there were—ayes 29, noes 134.

So the motion to adjourn was lost.

The SPEAKER. The gentleman from Arkansas demands a second. Under the rule a second is considered as ordered. The gentleman from Minnesota is entitled to 20 minutes, and the gentleman from Arkansas to 20 minutes.

Mr. TAWNEY. Mr. Speaker, the only effect of the adoption of this resolution will be to make the fidelity bonding division in the general deficiency bill in order, so that no Member, however great may be his interest in the fidelity bonding business, can take the provision out of the bill on a point of order. When the provision is reached an opportunity will then be given for consideration on its merits. When this resolution is agreed to it will afford the House an opportunity to proceed with the consideration of the general deficiency bill, and I trust that there will be no objection to its adoption.

Mr. MACON. The only purpose is to make section 3 in order on the appropriation bill, as I understand it.

Mr. TAWNEY. Yes; it does not pass the provision.

Mr. MACON. The bill will be considered in the regular way?

Mr. TAWNEY. Yes; under the five-minute rule, and so will this provision be considered in the regular way; it will be read and an opportunity given for consideration.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the resolution was agreed to.

Mr. TAWNEY. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the general deficiency appropriation bill, and pending that I ask unanimous consent that all general debate be closed in five minutes.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the general deficiency bill, and pending that, asks that all general debate in Committee of the Whole be closed in five minutes. Is there objection?

There was no objection.

The motion of Mr. TAWNEY was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURRIER in the chair.

Mr. TAWNEY. Mr. Chairman, this bill (H. R. 32957) has been read in full to-day. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, I have nothing to add to what I said this afternoon with respect to the various provisions and recommendations carried in this bill. The only provision of any importance that is likely to provoke any discussion is the provision providing for the creating of a fidelity bonding division in the departments and authorizing the Secretary of the Treasury to prescribe rates of premium to be paid by bonded officers, agents, and employees of the Government. I do not care to go into a discussion of that provision now or to occupy the time of the committee for that purpose. I desire to commence the reading of the bill as soon as possible, and unless some gentleman desires the balance of my time in general debate I will ask that the reading of the bill be proceeded with.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

International Seismological Association: For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association for the fiscal year ending June 30, 1910, $800.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order on the paragraph. I am not sure, but I do not believe that there is any law on which to base this appropriation.

Mr. TAWNEY. That is authorized by an international agreement. This is our contribution to the international agreement.

Mr. COX of Indiana. Does it not relate to the same subject that was up in the diplomatic and consular appropriation bill the other evening?

Mr. TAWNEY. I don't know whether it does or not. It may be the same subject. This is a deficiency.

Mr. BENNET of New York. It is the same subject, but it is not subject to a point of order. This is a deficiency.

Mr. TAWNEY. Our contribution for this fiscal year has not been appropriated yet.

Mr. COX of Indiana. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

International Union for Protection of Industrial Property: For additional amount required for defraying the expenses of the next meeting of the International Union for the Protection of Industrial Property, to be held at the city of Washington, D. C., in May, 1911, $10,000.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. TAWNEY. Mr. Chairman, this is authorized also by an international agreement, and the invitation was extended three years ago to this association to hold its next meeting in the city of Washington. The appropriation carried in the last Congress

for this purpose was $10,000, since which time the representatives of South American countries, to the number of sixty-odd, have accepted the invitation, and it is necessary to provide for the entertainment of these additional delegates.

Mr. STAFFORD. What is the purpose of the association?

Mr. TAWNEY. The purpose of the association is to consider and if possible devise uniformity of copyright laws and patent-right laws. It is of the utmost importance.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

The appropriation of $75,000 carried in the sundry civil appropriation act for the fiscal year ending June 30, 1911, concerning the boundary waters between the United States and Canada, may be used for the rent of buildings in the District of Columbia, from the date of the approval of said sundry civil act.

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I reserve the point of order on that to get some information.

Mr. TAWNEY. Mr. Chairman, the necessity for that paragraph is this: There was an appropriation of $75,000 carried in the last sundry civil appropriation bill, the one that passed at the last session of Congress, for defraying the expenses of the commission.

The State Department under that authority rented some rooms here in the old Pan-American or American Republics Building. The Secretary of State was of the opinion that the appropriation authorized the payment of the rent and gave specific instructions for its payment. The disbursing officer, on the order of the Secretary of State, made the payment. Now this is for the purpose of legalizing the payment of the rent because the Auditor for the War Department holds that under the act of 1882 that rent can not be paid unless it is specifically authorized. The Secretary of State being one of the great lawyers of the country, the disbursing officer has nothing to do but to pay it. Now this is to make this payment for the balance of the fiscal year out of the $75,000 appropriated for the commission at the last session of Congress.

Mr. MANN. May I ask the gentleman; I understand this is not for the old commission that has been in existence for a number of years.

Mr. TAWNEY. No.

Mr. MANN. Then I withdraw the point of order as far as I am concerned.

Mr. MICHAEL E. DRISCOLL. I reserved the point of order first. How much of the $75,000 will be required to pay this rent?

Mr. TAWNEY. Something like $3,000, and it is divided among three commissions. There are three commissions that will occupy rooms in this building. One is the commission appointed to fix the boundary line between Mexico and Texas, the other is the British Claims Commission, and the other is the International Joint Commission.

Mr. MICHAEL E. DRISCOLL. How much is it altogether?

Mr. TAWNEY. Three thousand dollars a year for all.

Mr. MICHAEL E. DRISCOLL. Why do you require the $75,000 additional appropriation?

Mr. TAWNEY. We are not requiring $75,000. This $3,000 will be taken out of the $75,000, which was appropriated last year for the International Joint Commission, which commission has not yet been appointed.

Mr. MANN. And the old appropriation will not be available for payment of rent in Washington.

Mr. TAWNEY. No.

Mr. MICHAEL E. DRISCOLL. Seventy-five thousand dollars was appropriated last year, and $75,000 is appropriated this year for the same purpose.

Mr. TAWNEY. Yes; but the appropriation for this year does not become available until the 1st of July.

Mr. MICHAEL E. DRISCOLL. I asked the gentleman why he wanted an appropriation of $75,000 additional for this year, when there was $75,000 appropriated last year, none of which was expended.

Mr. MANN. Because that lapsed at the end of the year——

Mr. MICHAEL E. DRISCOLL. What became of the balance of it?

Mr. TAWNEY. It goes back to the Treasury.

Mr. MICHAEL E. DRISCOLL. Does the chairman say that?

Mr. TAWNEY. The balance, unless Congress reappropriates the balance, always goes back into the Treasury under the covering-in act.

Mr. MICHAEL E. DRISCOLL. When the sundry civil bill was up I was trying to find out why you appropriated an additional $75,000 instead of reappropriating the amount heretofore authorized. I thought then, perhaps, you were wanting $150,000 for this commission.

Mr. TAWNEY. The gentleman from New York knows that the appropriation made for the fiscal year 1911 is available for expenditure until the 30th of June of this year. Now, if the commission is appointed and goes to work, the appropriation for this year will be available to defray expenses of the work during the remainder of this year. How much will be unexpended for the balance of this fiscal year no one can at this time determine. The $75,000 appropriated for the fiscal year 1912 will not become available until the 1st of July.

Mr. MICHAEL E. DRISCOLL. How much is paid now by the Government for rent for all purposes?

Mr. TAWNEY. Five hundred thousand dollars.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

To reimburse the Treasurer of the United States for the loss which occurred in his office on January 11, 1911, without negligence or fault on his part, $1,000.40.

Mr. CULLOP. Mr. Chairman, I desire to reserve a point of order against the section. I would like to ask the chairman what is the occasion of this appropriation, commencing in line 22, page 4, and ending with line 25?

Mr. TAWNEY. Well, Mr. Chairman, the occasion for that is simply this: The employees in the redemption division of the Treasury Department are not bonded to anybody, either to the United States or to the Treasury. A loss occurred there four or five months ago and the department has endeavored in every way possible to ascertain who was responsible for that loss. It is not due to the fault or neglect of the Treasury. There is, in addition to this, an amount of something over a million dollars carried on the books of the Treasury as an unavailable balance, which represents losses that have occurred and for which Congress has been asked, and has on many occasions granted relief.

Now, unless this is done, the Treasurer, who is in no way responsible for the loss, must make good that loss, although he has no more to do with the appointment of employees in the division than the Members of Congress have. And this illustrates what I tried to explain to the House this afternoon, namely, the necessity for the enactment of the legislation which the Committee on Appropriations has recommended in this bill, namely, requiring all officers, agents, and employees of the Government to give their bonds direct to the United States Government. It is hardly fair, in view of the practice and custom of Congress, to relieve principals under circumstances of this kind and hold the Treasurer, who is in no way responsible, for the fault or theft, or whatever it may be, and require him to reimburse the Government for that amount.

Mr. CULLOP. Now, is not the office there supplied with Secret Service men and detectives?

Mr. TAWNEY. Yes; and Secret Service men have been engaged, I will say, in this case for some time.

Mr. CULLOP. What were they doing when this occurred?

Mr. TAWNEY. Secret Service men are not employed in the Redemption Division all the time.

Mr. CULLOP. Do they not have a corps of detectives in there?

Mr. TAWNEY. Oh, no; they do not.

Mr. CULLOP. Congress has been very liberal in relieving Treasurers and subtreasurers from these losses.

Mr. TAWNEY. Has the gentleman from Indiana ever been in the Redemption Division of the Treasury Department?

Mr. CULLOP. I do not think I have.

Mr. STAFFORD. The gentleman should go down there.

Mr. CULLOP. I do not think I need to go down there, but I do think there should be somebody in control of the office to look more after the business of it than has been done, it seems, in the case of these Treasurers and subtreasurers. These losses are occurring too often.

Now, it seems to me that if the man who has charge of that office was giving attention to the duties of it as he should do, these losses would not occur, or if they did occur they would be immediately known. There is no reason why they should not. They check up every day, or they ought to, at least. It seems to be the practice now that they are not doing that, and yet last year we appropriated for that office a very large sum to install new business methods there on the ground that the old ones were antiquated and out of date.

Mr. DAWSON. If the gentleman will permit me, as he is well aware, the national banks pay all the expense of operating the Redemption Division, so it is not coming out of the Public Treasury at all.

Mr. CULLOP. No. In the Treasury Department last year a very large sum was appropriated to improve the business methods there, and from the reports that are constantly coming in on appropriations to make good the losses that have occurred there, it seems that either some new business methods or new men ought to be instituted and installed for that purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICHAEL E. DRISCOLL. I move to strike out the last word. I would suggest that if they had allowed the Secret Service force to be used for other purposes except the guarding of the person of the President or the detection of counterfeiters they might not have gotten into this trouble.

Mr. TAWNEY. The Secret Service force has been trying to discover who it was that committed the theft for some time, and have not yet been able to do it.

Mr. MICHAEL E. DRISCOLL. They have not been allowed to chase thieves.

Mr. TAWNEY. They have been allowed to do so under the existing law.

Mr. MICHAEL E. DRISCOLL. And they have nobody to guard the Treasury, since the Secretary of the Treasury is not permitted to employ the detective force for that purpose.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. TAWNEY. No.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For classifying, indexing, exhibiting, and properly caring for the returns of all corporations required by section 38 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, including the employment in the District of Columbia of such clerical and other personal services and for rent of such quarters as may be necessary, $5,000: *Provided*, That any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President.

Mr. CULLOP. Mr. Chairman, I desire to reserve a point of order against that paragraph.

Mr. TAWNEY. Does the gentleman make a point of order or reserve it?

Mr. CULLOP. I reserve it for the present.

Mr. TAWNEY. I suggest that the gentleman make it, because we can dispose of that very readily.

Mr. CULLOP. Then I will make the point of order.

The CHAIRMAN. The gentleman from Indiana makes the point of order.

Mr. TAWNEY. I will state to the gentleman that that is authorized by the tariff act.

Mr. CULLOP. I would like to call attention to the proviso at the close of the section. That is the matter against which I make the point of order, commencing with the word "Provided," on line 11, and ending with the word "President," on line 14.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota if that is a change of existing law?

Mr. TAWNEY. I will say, Mr. Chairman, that that proviso was agreed to at the first regular session of this Congress and is the law to-day. It was not in the original act, but by an amendment to that law at the last session of Congress the proviso was added to the existing law.

The Chair will remember that the original act provided for a tabulation of all returns and the making them available for inspection by everybody. At the last session of Congress that provision was amended so that only those returns that are ordered by the President to be made available for that purpose can be examined or inspected.

The CHAIRMAN. That is the recollection of the Chair. The Chair overrules the point of order.

The Clerk read as follows:

Refund of sums paid for documentary stamps: The time within which claims may be presented for refunding the sums paid for documentary stamps used on foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, specified in the act entitled "An act to provide for refunding stamp taxes paid under the act of June 30, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes," approved February 1, 1909, be, and is hereby, extended to December 1, 1911.

Mr. JOHNSON of South Carolina. Mr. Chairman, I reserve the point of order against the paragraph.

The CHAIRMAN. The Chair will hear from the gentleman from South Carolina on his point of order.

Mr. JOHNSON of South Carolina. I simply reserve the point of order to ascertain why the time is extended.

Mr. TAWNEY. I will say to the gentleman from South Carolina that the Supreme Court of the United States has held that the law requiring the placing of documentary stamps on bills of exchange to be unconstitutional. It was the Spanish-American War revenue act that authorized them. A great deal of money has been collected under that provision. Subsequently Congress passed an act authorizing the Internal Revenue Bureau to refund the amounts collected on foreign bills of exchange. The decision of the Supreme Court of the United States was based upon the theory that this operated as an export tax, and was therefore violative of the Constitution.

Of course it required a great deal of time for some of the claimants to collect their testimony. The act fixed the time within which all claims should be submitted. We have since that time twice extended that time limit. The last time limit expired on the 1st of December last. Now, there have come to the attention of the department some two or three claims——

Mr. JOHNSON of South Carolina. What do they amount to?

Mr. TAWNEY. Aggregating about $6,000. The circumstances were such that the parties were clearly not guilty of any laches in not presenting the claims, and the Internal Revenue Bureau has recommended that the extension should be made that is asked for here because the tax was illegal. The Government, of course, has no legal right to retain the amount that was collected. The department thinks this will close up those cases entirely. The department knows of only two or three claims, aggregating between $6,000 and $7,000.

Mr. JOHNSON of South Carolina. The explanation is perfectly satisfactory to me, but I was particularly anxious to know if the gentleman was in possession of information that would show that these people were not guilty of negligence.

Mr. TAWNEY. I will state, for the information of the gentleman from South Carolina, one case that I have personal knowledge of. It is the case of the firm of the Washburn-Crosby Co., of Minneapolis, the largest milling concern, I think, in the United States. They do a very large export business.

The man in the office who had charge of collecting this evidence and correspondence with their foreign representatives, was taken ill. The people in the office did not know anything about the matter, and this man was sent away on account of his health, and because of that fact the time expired within which the concern hoped that they would be ready and prepared to file their claim. That is one of the claims of which I have personal knowledge.

Mr. JOHNSON of South Carolina. I am satisfied.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

MINTS AND ASSAY OFFICES.

Assay office at New York: Authority is hereby granted the Secretary of the Treasury to use of the unexpended balance to the credit of the appropriation for parting and refining bullion the sum of $25,000 for the purposes herein stated: To provide lighting fixtures, new melting furnaces, additional scales, balances, and other necessary apparatus, appliances, and equipment, including house telephone and time and watchman's clock systems and office furniture; or so much thereof as may be necessary for the proper equipment of the new assay office, the same to be immediately available.

Mr. BENNET of New York. Mr. Chairman, I have read in the public prints that the assay office in the city which I have the honor in part to represent, is practically falling down, and that a request was made to this Congress to provide an appropriation to keep it standing.

Mr. TAWNEY. The sundry civil bill carries the appropriation for that purpose.

Mr. BENNET of New York. The amount in the sundry civil bill carries what is needed?

Mr. TAWNEY. This is merely to furnish some new equipment, out of the permanent, indefinite appropriation. It covers what is needed in the assay office in the new part.

Mr. BENNET of New York. The gentleman is probably correct, but there is a chance that he may have confused the two things. They are building in the rear of the old assay office in New York City a nine-story building.

Mr. TAWNEY. Yes.

Mr. BENNET of New York. And that building, I hope, is in no danger of falling down.

Mr. TAWNEY. It is the old part in front.

Mr. BENNET of New York. As I read the item that was carried in the sundry civil bill, I do not think it covered the subject of propping up the old assay office during construction.

Mr. TAWNEY. That part of it was carried in the urgent deficiency appropriation bill passed in the beginning of this session.

Mr. BENNET of New York. At any rate, the appropriations in the three bills meet all the needs of the building, do they?

Mr. TAWNEY. They meet all the needs of the office.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

All laws and parts of laws, to the extent that they make a permanent indefinite appropriation for the expenses of parting and refining bullion, are repealed to take effect from and after June 30, 1912, and the Secretary of the Treasury shall, for the fiscal year 1913, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates for the expenses of this service.

Mr. JOHNSON of South Carolina. Mr. Chairman, I desire to offer an amendment to strike out of line 19 the words "parting and refining bullion."

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 19 strike out "parting and refining bullion."

Mr. JOHNSON of South Carolina. Mr. Chairman, I will perfect the amendment later if I can get any encouragement from my friend on the other side.

Mr. TAWNEY. I think when the gentleman hears from his friend on this side, he will not want to make any amendment whatever.

Mr. JOHNSON of South Carolina. One of the greatest evils that has come under my observation in the 10 year's service I have had in this House is the practice of Congress in passing laws which require annual appropriations without estimates being submitted. I think the chairman of this committee, after his long and useful service, will bear me out in saying that these laws providing for permanent appropriations ought never to have gone upon the statute books, and that most of them ought to be repealed if it is practicable to do so.

Mr. TAWNEY. That is what we propose to do here.

Mr. JOHNSON of South Carolina. That is what you do.

Mr. TAWNEY. Yes.

Mr. JOHNSON of South Carolina. I wanted to strike out the language making it applicable to one particular statute. Of course it is subject to a point of order, but I wanted to strike out the language which makes this legislation applicable to this particular statute only, and to make it applicable to all the laws, and require estimates to be submitted.

Mr. TAWNEY. I am in hearty sympathy with the gentleman so far as he desires to repeal the permanent appropriations. The Committee on Appropriations has in the last six years endeavored on every occasion to recommend the repeal of permanent appropriations; for example, this bill carries the recommendation to repeal the permanent appropriation of $5,500,000 for the collecting of customs. As soon as the bill was reported to the House every Member who had a customs office in his district, where the cost of running the office is greater than the income, became worried for fear it would affect his office and threatened to make points of order and vote against the suspension of the rules until I agreed to strike out that objectionable paragraph.

I will say to the gentleman that the discovery of this permanent appropriation was by accident. The chief of the service, the Director of the Mint, submitted an estimate of $25,000 to be paid out of the permanent appropriation. That permanent appropriation nobody knew existed, but when we came to inquire we found there was an unexpended balance of $450,000, due to modern methods of parting and refining. Prior to the modern methods of parting and refining the by-products were all lost; but now, under the new methods of parting and refining, the by-products are preserved and are valuable. In one by-product last year the Government realized over $100,000 from the sale of it, and for that reason we concluded hereafter that they could come to Congress with their estimates and we would turn in all of the products.

Mr. JOHNSON of South Carolina. I hope my friend the chairman will not misunderstand me. I did not make a point of order against this legislation, but I offered the amendment so as to cut off the possibility of it being cut out of this bill.

Mr. TAWNEY. The proposition of the gentleman, so far as it affects other permanent appropriations, I think he will see, is impracticable and would only complicate matters and leave in doubt whether we effected the repeal of this, and I trust he will not insist on his amendment.

Mr. JOHNSON of South Carolina. I understand that. I offered the amendment and thereby it became impossible for this legislation to go out on a point of order after the discussion began. I find the chairman of the committee agrees with me that these laws providing for permanent appropriations ought not to be enacted. I find that he could not repeal all these laws at one time, because he might interfere with so many that it would make it impossible. Mr. Chairman, I withdraw the amendment, and hope that later we will be able to get more of them repealed.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Minnesota a question. I am in sympathy with his purpose, but have not had much opportunity to think this over, and I submit this observation: In the assay office, with which I am more particularly familiar, you can take bullion or anything else from which they can extract gold and they will immediately pay you 98 per cent of the value of the gold that can be extracted from what you bring, and when the gold is refined they pay you the balance. Or you can leave the bullion, and when they get it assayed they will give you the gold less the expense of assaying.

Mr. TAWNEY. That is exactly the practice.

Mr. BENNET of New York. Now, does the repealing of this permanent indefinite appropriation in any way affect that practice?

Mr. TAWNEY. No; that was taken into consideration when it was drawn. It is only so much of the law as authorizes the permanent indefinite appropriation. This provision is carefully guarded.

Mr. BENNET of New York. I hope it is.

Mr. DAWSON. I might add that the Director of the Mint stated that there would be no objection from the standpoint of the service.

Mr. TAWNEY. The Director of the Mint heartily agrees in this, and the committee has carefully guarded the provision so that it will not relieve the owner of the bullion, or whatever he may carry there, for parting and refining, from the charge which the law now imposes.

Mr. BENNET of New York. I have a high personal regard for the gentleman from Iowa, the Director of the Mint, and the immigration officials who submitted to do away with the permanent appropriation for immigration, but I notice they overlooked a kink, and it may be that these people have.

Mr. TAWNEY. No; I think we have guarded against everything.

Mr. AUSTIN. Mr. Chairman, I want to take occasion to commend the legislation carried in this paragraph, about which we have had some discussion, and also embrace this opportunity to express my appreciation of the valuable services of the chairman of the Committee on Appropriations, the gentleman from Minnesota [Mr. TAWNEY]. [Applause.] No man in this House can fully and truthfully estimate the invaluable services rendered the country by the gentleman who heads that committee. I was connected with the House of Representatives more than 30 years ago as one of its subordinate officers, and I have watched with a great deal of interest and followed carefully the career of the gentleman from Minnesota, the chairman of the Committee on Appropriations, and I want to say this, that I hope with the termination of the present session of Congress the American people will not part with the long, splendid, and valuable experience which he has gained at the head of this great committee. It was my opportunity in the first Republican caucus on the roll call to cast my vote for JAMES A. TAWNEY for Speaker of the House of Representatives, and while I am not an old man, nothing in this life would give me greater pleasure than to vote for this same gentleman for President of the United States, one of the best-equipped men in the country for that exalted position. [Applause.]

The Clerk read as follows:

Assay office at Deadwood, S. Dak.: Assayer in charge, additional compensation for the fiscal year 1912, $250.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I observe from the hearings that the Director of the Mint recommended this increase because of the increased business at Deadwood. I would like to inquire whether, with this additional salary, it will equalize the salary of the assayer at Deadwood with the salary of assayers at other offices?

Mr. TAWNEY. It will not only equalize it, but it is given because of the great increase in the amount of work being done at the Deadwood office.

Mr. STAFFORD. I withdraw the point of order.

The Clerk read as follows:

Dayton, Ohio, post office and courthouse: For commencement of building, under present limit, $25,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that. My purpose is to ascertain some information as to this

provision. I observe there is nothing referred to in the hearings concerning the appropriation for the Dayton, Ohio, post office. I understand this appropriation was authorized in the last public-buildings bill. Is this an exceptional case, where we are going to provide for the erection of a public building?

Mr. TAWNEY. No; it is not an exceptional case.

Mr. KEIFER. It is to go on with the work.

Mr. TAWNEY. This would have gone into the sundry civil bill when the estimates were sent up if it had been included. A supplemental estimate was sent, but it came too late to have it go into the bill as it was reported to the House. It is authorized by law.

Mr. STAFFORD. Yes; it was authorized in the general public-building bill, as I recall it, of last year.

Mr. TAWNEY. Of 1908.

Mr. STAFFORD. There was some provision in the last sundry civil appropriation bill relating to the post office at Dayton, Ohio.

Mr. KEIFER. That is right; but that was supplemental to the other.

Mr. TAWNEY. I do not recall. I am very sorry that the gentleman from Ohio [Mr. Cox] is not present, so that he could explain the necessity for it.

Mr. COX of Indiana. Mr. Chairman, the gentleman from Ohio told me that he would be compelled to be temporarily absent this evening and requested me to look after this matter for him to the best of my abiilty. I have had several conversations with with him about it and he assures me that it is needed, that it is absolutely essential, and I hope the gentleman will withdraw the point of order.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Heating apparatus for public buildings: To pay the balance due the Chisholm Co., under its contract dated February 1, 1908, for heating apparatus supplied for the post office and courthouse at Trenton, N. J., $1,676.55.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read and I would like to ask the chairman of the committee wherein this item differs from a claim against the Government.

Mr. TAWNEY. What page?

Mr. STAFFORD. Page 11, lines 8 and 13, inclusive.

Mr. TAWNEY. Well, this is an item where the appropriation that was made for the building lapsed before the contract was completed. This is merely to carry out the contract obligation of the Government with a man who had the contract for the construction of the building.

Mr. STAFFORD. Then there is no additional appropriation and it is within the limit of the original appropriation?

Mr. TAWNEY. Yes, but the appropriation has lapsed.

Mr. STAFFORD. And the following appropriation is in the same condition?

Mr. TAWNEY. Yes; absolutely.

Mr. DAWSON. Some complications arose in the construction of the building which delayed the installation of the heating apparatus until after the appropriation had lapsed.

Mr. STAFFORD. I withdraw the point of order.

The Clerk read as follows:

To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year ending June 30, 1911, $500,000.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word. How much is the permanent appropriation for this purpose?

Mr. TAWNEY. The permanent appropriation is $5,500,000.

Mr. JOHNSON of South Carolina. Why is it necessary to increase the amount provided?

Mr. TAWNEY. Because the amount is not sufficient to pay the expenses of collecting the customs.

Mr. JOHNSON of South Carolina. What percentage of the customs revenue does it take to collect those customs?

Mr. TAWNEY. I can not state accurately now, but my recollection is, though, that it costs about $3 per thousand.

Mr. JOHNSON of South Carolina. Has that percentage for the last few years been increasing or diminishing?

Mr. TAWNEY. I think it has been, on the whole, diminishing. Of course, much of this cost is due to the fact that we are maintaining some forty-odd customs offices in districts where the amount of money collected is much less than the cost of maintaining those customs districts and offices.

Mr. JOHNSON of South Carolina. Why do not you discontinue them?

Mr. TAWNEY. Because we can not do it; we have not got the votes; we have tried a number of times.

Mr. JOHNSON of South Carolina. Take one at a time and you can do it.

Mr. TAWNEY. That is what we are trying to do.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Section 3687 of the Revised Statutes of the United States is repealed, to take effect from and after June 30, 1912; and the Secretary of the Treasury shall, for the fiscal year 1913, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates of expenses of collecting the revenue from customs.

Mr. GREENE. Mr. Chairman, I make the point of order against the paragraph commencing on line 19 and ending on line 25.

Mr. TAWNEY. Mr. Chairman, I call the attention of the gentleman from South Carolina that there is an illustration of the difficulty of repealing a permanent appropriation.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Hereafter the Secretary of the Treasury is authorized to obtain by purchase or to cause to be printed blank forms of clearances, manifests, and other forms used in connection with the transaction of customs business, and to sell such forms at ports and subports of entry, ports of delivery, and elsewhere, at a uniform price of 5 cents each, and under regulations to be prescribed by him. All moneys received from the sale of such forms shall be accounted for and paid into the Treasury in the same manner as other moneys collected by customs officers.

Mr. McMORRAN. Mr. Chairman, I make the point of order against the paragraph.

Mr. TAWNEY. If the Chairman will permit me, I just want to say one word as to the reason for the committee making this recommendation. At present the blank forms referred to in this paragraph are furnished by the Government to the collector and sold by the collector to the shipper at 10 cents apiece. It is a species of private graft on the part of the customs collector, and it is proposed now merely to charge about what it costs to provide the forms printed and give the forms to those who desire and need them in the transaction of their business at one-half the cost they are now paying the collector.

Mr. McMORRAN. Mr. Chairman, I am sorry to hear the chairman of the committee make a statement as to private graft——

Mr. TAWNEY. That statement is made on the authority of the Secretary of the Treasury.

Mr. McMORRAN. I do not care who it is made by; whoever makes that is not familiar with the facts.

The facts are, Mr. Chairman, that for a number of years past not only in Detroit, but in Port Huron, Mich., the Grand Trunk Railroad, the Pere Marquette Railroad, and the Michigan Central Railroad have been furnishing their own blanks at a cost of about 1 cent apiece. That is the actual cost. It is true that the customs collectors at Port Huron, where nobody sees fit to furnish his own blanks, charge 10 cents apiece for the blanks. As I understand, that sum of 10 cents goes to the collector as part of his compensation.

Now, I am interested in a local company at Port Huron, my home town, where we have considerable to do with the collector of customs, and we are permitted to furnish our own blanks, costing about 1 cent apiece. The effect of this paragraph would be to create a trust in the Treasury Department, enabling it to hold up the business interests of this country and compelling them to pay 500 per cent actual premium on the business they do with the collector of customs.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Section 2648 of the Revised Statutes of the United States is hereby repealed.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that paragraph. Since the other paragraph went out, this one also must be eliminated.

The CHAIRMAN. Does the gentleman make a point of order against the paragraph?

Mr. STAFFORD. I reserve it. I ask the chairman if it is necessary to eliminate it? I have nothing at interest in the matter.

Mr. TAWNEY. The previous paragraphs have gone out; and, of course, if we do not repeal that section, the permanent appropriation stands.

Mr. STAFFORD. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To refund to the Albert Champion Co., of Boston, Mass., duties erroneously collected from them, as reported by the collector of customs at that port, and covered into the Treasury, $2,272.48.

Mr. STAFFORD. Mr. Chairman, I make the point of order against the paragraph just read.

Mr. TAWNEY. The point of order will not lie, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota will be heard on that paragraph.

Mr. TAWNEY. The law authorizes the refund of this duty. The gentleman from Massachusetts [Mr. KELIHER] is perfectly cognizant of the facts. That is expressly authorized by the statute.

Mr. KELIHER. Mr. Chairman, I trust the gentleman from Wisconsin will not press his point of order. I have not the documents at hand at this moment, but I can assure him that this money was collected in excess of the duties prescribed by law. The Treasury Department admits that an error was made in classifying these goods which caused the Albert Champion Co. to pay into the Treasury $2,272.48 more than it rightfully should, and the Treasury Department acknowledges the justice of the claim involved in this proposition.

Mr. STAFFORD. Wherein does this paragraph differ from a claim against the Government?

Mr. TAWNEY. I can state to the gentleman from Wisconsin that the reason this provision becomes necessary is because the protest against the classification or rate of duty was not made within the time fixed or limited by law. Had they filed their protest earlier, had their protest been prosecuted to a final conclusion, resulting in their favor, they would then be entitled to the refund of this money, but the failure on their part to come within the time fixed for the filing of the protest is the only reason, as the Secretary of the Treasury says, why the Treasury authorities are not at liberty now to pay the money out of the Treasury and out of the appropriation that is made for that purpose. That is all there is in it. They did not get there quite in time. That is all.

The CHAIRMAN. Does the gentleman from Wisconsin insist upon the point of order?

Mr. KELIHER. I will say further, in answer to the query of the gentleman on my right [Mr. STAFFORD], that this claim differs from claims that might appear to be of a similar nature, in that there was considerable controversy over the particular paragraph of the Dingley Act under which these goods should have been classified. That question is settled, as the letter I hold here in my hand, which I shall read—a letter from the Secretary of the Treasury, addressed to the chairman of the Committee on Appropriations, in which is set forth by that official an acknowledgment that these duties were in excess of law and the correctness of the amount this item provides refunding. Here is what the Secretary of the Treasury states:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 21, 1911.

THE CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, in which you state that there is pending before the subcommittee which is considering the sundry civil appropriation bill an item for the payment of $2,285.83 excess duties claimed to have been paid by the Albert Champion Co., of Boston, Mass., upon certain automobile ignition wires imported through that port.

In reply to your inquiry whether this department has any objections to your committee carrying an item in the sundry civil appropriation bill for the refund of the excess duties collected, I have to advise you that the department has no objection if Congress desires to grant the company relief.

I will state, however, that the amount should be changed to $2,272.48, to agree with a report received from the collector of customs at Boston under date of January 30, 1911.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

Mr. Chairman, for several years this company paid excessive duties through no fault of their own, but rather because of an error of the customs officials. This obviously imposed a handicap upon them in competing with their business rivals. The sum involved is only a couple of thousand dollars, and I trust the gentleman will not split hairs, and will withdraw his point of order, and allow this item to pass.

Mr. STAFFORD. When I was attempting to ascertain the place in the hearings concerning this claim in the index, I found it referred to page 141, which was an erroneous reference. Since the gentleman from Massachusetts [Mr. KELIHER] has called to my attention the correct paging, in which it is clearly shown that the Secretary of the Treasury recommends this claim and the amount, I therefore withdraw the point of order.

The Clerk read as follows:

Relief of Phoebe Clark: To enable the Secretary of the Treasury to carry out the provisions of "An act for the relief of Phoebe Clark," approved February 16, 1911, $116.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment as a new paragraph at the end of line 17.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 17, after line 17, insert a new paragraph, as follows:

"Relief of the State of Oregon: To enable the Secretary of the Treasury to reimburse the State of Oregon for expenditures made by said State at the request of the authorities of the United States during the Civil War in the enlistment of soldiers mustered into the service of the United States, and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $193,543.02, this sum being the amount determined upon by the Court of Claims in a finding of fact printed in Senate Document No. 28, Sixty-first Congress, first session."

Mr. KEIFER. Mr. Chairman, I reserve a point of order on that. I wish to state that it is not in order in this part of the bill, if in order at all. It belongs to the War Department.

The CHAIRMAN. Will the gentleman from Ohio [Mr. KEIFER] suggest where it might possibly be in order?

Mr. KEIFER. If it is in order at all, it must come under the head of the War Department later on in the bill.

The CHAIRMAN. On what page?

Mr. KEIFER. On page 27. It is under the head of the "Secretary of War," which is under the head of "Military Establishment." We are now under the "Treasury Department" and that portion of the bill, and certainly the amendment would not be germane there.

Mr. JOHNSON of South Carolina. Mr. Chairman, in order that there may be no mistake and the proposition may not be raised upon the germaneness of the amendment alone, I make the point of order that it is legislation.

The CHAIRMAN. The Chair thinks it is hardly germane to this portion of the bill without passing further.

Mr. KEIFER. I think the point of order better be made now.

The CHAIRMAN. The Chair sustains the point of order, on the ground that it is not germane to this part of the bill.

The Clerk will read.

For amount required to make monthly payments to John S. Kissinger, late of Company D, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, and also late of Hospital Corps, United States Army, from February 15, 1911, to June 30, 1912, inclusive, as authorized by the act approved February 15, 1911, $1,653.33.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to change the initial letter "S" in the name of John S. Kissinger, in line 6, to the initial letter "R," so that it will read "John R. Kissinger."

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to modify the paragraph as indicated by him.

Mr. KEIFER. Does the gentleman know the name?

Mr. BARNHART. Yes; it is my bill.

Mr. KEIFER. We agree to that.

Mr. STAFFORD. May I ask the gentleman from Indiana whether in the law granting relief to Mr. Kissinger it is "John S." or "John R.?"

Mr. BARNHART. It is "John R."

The CHAIRMAN. Without objection, the paragraph will be so modified.

There was no objection.

The Clerk read as follows:

For payment to Wesley A. Stuart, attorney, Sturgis, S. Dak., for defending First Lieut. David H. Biddle in suit brought against that officer for causing a herd of horses to be ejected from the military reservation at Fort Meade, S. Dak., $50.

Mr. HAWLEY. Mr. Chairman, I offer again the amendment.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

On page 27, after line 23, insert as a new paragraph:

"Relief of the State of Oregon: To enable the Secretary of the Treasury to reimburse the State of Oregon for expenditures made by said State, at the request of the authorities of the United States, during the Civil War, in the enlistment of soldiers mustered into the service of the United States; and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $193,543.02, this sum being the amount determined upon by the Court of Claims in a finding of fact printed in Senate Document No. 28, Sixty-first Congress, first session."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman from New York [Mr. FITZGERALD] on the point of order.

Mr. FITZGERALD. This claim is exactly similar to the so-called Texas claim, which has been heretofore decided. It is not authorized by law. The law under which the claim was examined did not in any way provide a foundation upon which it would be in order in an appropriation bill. I think the Chair has a decision on the Texas claim.

The CHAIRMAN. The Chair has a decision on the Texas claim. Does the gentleman from Oregon [Mr. HAWLEY] desire to be heard on the point of order?

Mr. HAWLEY. This claim was submitted to the Court of Claims by the Senate of the United States, and the amount specified in the amendment I offer is the amount stated by that court in the finding of fact.

The CHAIRMAN. Will the gentleman from Oregon inform the Chair if it is a judgment?

Mr. HAWLEY. It is not a judgment; it is a finding of fact.

The CHAIRMAN. The Chair will hear the gentleman from Oregon further, if he desires to be heard.

Mr. HAWLEY. At the beginning of the war Secretary Seward wrote to the governor of Oregon, saying:

The President has directed me to invite your attention to the subject of the importance of perfecting the defenses of the State of Oregon, over which you preside, and ask you to submit the subject to the consideration of the legislature when it shall have assembled. Such proceedings by the State would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the Federal Government. If they are thus made, with the concurrence of the Government, for the general defense, there is every reason to believe that Congress would sanction what the State should do and would provide for its reimbursement.

Many other communications similar to this are on file in the War Department and printed in the records of the Civil War issued by the Government.

At the instance of the Secretary of War, and through the Secretary of State and the President of the United States, the State of Oregon did exactly what the United States authorities desired it to do, and passed a law providing a bonus of $150 for every soldier who should thereafter enlist in the service of the United States.

A number of soldiers so enlisted, forming a regiment of cavalry and another of infantry, which were mustered into the service of the United States, and served not only in Oregon, but in Idaho and Washington, protecting settlers from the ravages of Indians, defending the overland mails, and defending also the immigrants into the Northwest.

As I said in the beginning, this claim was submitted to the Court of Claims for a finding of fact, and the decision of the court in the finding of fact was that the State had expended this amount of money specified in my proposed amendment, for the purpose stated, and it was done under the request and urgent entreaty and representation of the military authorities of the United States, with President Lincoln at the head.

Mr. KEIFER. Does this entire sum, thus found, arise from paying bounties to soldiers?

Mr. HAWLEY. Yes.

Mr. KEIFER. The Government of the United States paid the other expenses, did it not, long ago?

Mr. HAWLEY. It paid other expenses.

Mr. KEIFER. This is confined to the payment of bounty. Why was not the claim presented many years ago?

Mr. HAWLEY. The State of Oregon issued bonds to pay the soldiers who enlisted after the passage of the act, and as soon as the bonds so issued had matured, so that the State had a matured claim, that claim was presented, but like many other claims, the payment has been delayed.

Mr. KEIFER. Do I understand that the State of Oregon issued bonds to pay $100 to each soldier?

Mr. HAWLEY. One hundred and fifty dollars.

Mr. KEIFER. One hundred and fifty dollars to each one of these soldiers, as a bounty for his enlistment in the United States service?

Mr. HAWLEY. Yes.

Mr. KEIFER. I am under the impression that almost all of the Northern States issued such veteran bounties, as they were called, usually $100, and that no claim was ever presented by the States to the Government for that bounty.

Mr. HAWLEY. In 21 deficiency bills, so far as my investigation has run, a very large number of claims of States have been paid, amounting to many millions of dollars.

Mr. KEIFER. That I agree to, but was the money paid on account of a bounty that was given by a statute passed after the Civil War? In Ohio we paid a great many thousands of dollars on statutes enacted as late as 1867–68, and I think there was never any claim presented to the Government for them.

Mr. DAWSON. Is it not true that these bonds were issued for the purpose of inducing men to enlist as soldiers to repel the Indian invasion, that they were not troops to put down the Civil War at all, but were bonds issued after their service expired, and was in the nature of a bounty which Congress has never gone into heretofore.

Mr. HAWLEY. The bonds were only for reenlistments or volunteers after the passage of the act. The troops were enlisted by the State and were engaged to put down Indian insurrections, and for the other purposes already mentioned, but they were generally veteran soldiers, whose terms of service were expiring. But the conditions were such that these men could not be induced to enlist with the amount that the Government was offering and the Federal Government, through telegrams and letters which I present and many others that could be presented, urged the State to pass this act granting them $150 bounty to induce men to reenlist, which was done. Men reenlisted as volunteer soldiers and served in the State of Oregon and the Territories of Idaho and Washington for some time, and I believe they served more outside of Oregon than they did in Oregon, and the bounty was paid to those who enlisted after the passage of the act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. One more question. When was the act passed granting this $150 bounty?

Mr. HAWLEY. In 1864.

The following is the report of the Secretary of the Treasury upon the claim, made under a provision in the last annual general deficiency act:

[House Document No. 1265, Sixty-first Congress, third session.]

CLAIM OF THE STATE OF OREGON.

Letter from the Secretary of the Treasury, transmitting a report on the claim of the State of Oregon for equipment of volunteer troops:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 5, 1911.

SIR: I beg to submit my report pursuant to the act of Congress approved June 25, 1910 (35 Stat., 777), authorizing the Secretary of the Treasury to reopen, adjust, and audit the claims of the State of Oregon for expenses incurred in raising, supplying, and equipping its volunteer troops during the period of the Civil War, and to ascertain and report to Congress for consideration what sums, if any, were expended by the said State and have not been reimbursed to it by the United States on account of the principal of bonds issued, interest paid thereon, the expenses of advertising and printing in connection therewith, in providing means for the payment of bounty to volunteers mustered into the service of the United States and who were engaged in the State of Oregon and adjacent Territories in the suppression of Indian outbreaks.

It is found upon examination that the State of Oregon actually expended $193,929.82 in accordance with said laws in the redemption of bounty lands, interest thereon, and expenses connected therewith, as follows:

Paid for redemption of 2,719 bonds of the par value of $50 each (part redeemed below par)	$128,991.02
Interest on said bonds	64,344.20
Printing bonds, warrants, bond books, and bounty certificates	113.00
Advertising in newspapers for redemption of bonds prior to maturity	481.60
Total	193,929.82

Senate Document No. 28, Sixty-first Congress, first session, presents very clearly the nature and basis of the claim:

[Senate Document No. 28, Sixty-first Congress, first session.]

MAINTAINING STATE MILITIA DURING THE CIVIL WAR.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, April 30, 1909.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the United States Senate, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours, JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JAMES S. SHERMAN,
President of the Senate.

[Court of Claims of the United States. Congressional, No. 13852. The State of Oregon *v.* The United States.]

STATEMENT OF CASE.

This is a claim for money alleged to have been expended by the State of Oregon in recruiting and paying bounty to State volunteers in the United States service, and for recruiting, equipping, and maintaining State militia during the Civil War. The claim was presented to the War Department and disallowed because the department had no jurisdiction to consider claims of this nature. It was then presented to the Treasury Department in 1884 under the act of June 27, 1882 (22 Stat. L., 111). It was disallowed by the Third Auditor on March 10, 1888, on the ground that the act of July 27, 1861 (12 Stat. L., 276), made no provision to pay expenses of raising troops for State purposes and not called into service by the request or authority of the Secretary of War or the President.

On May 29, 1908, the United States Senate, by resolution, referred to the court, under the act of March 3, 1887, known as the Tucker Act, a bill in the following words:

[S. 2951, Sixtieth Congress, second session.]

"A bill for the relief of the State of Oregon.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $358,235.61 be, and the same is hereby, appropriated, from any money in the Treasury not otherwise appropriated, to pay the State of Oregon, in full settlement of its claim for raising, supplying, and equipping its volunteer troops and militia during the years 1861 to 1865, inclusive."

The claimants appeared and filed their petition in this court July 11, 1908, in which they make substantially the following allegations:

"That on the 14th day of October, 1861, the Chief Executive, acting through the agency of the Hon. William H. Seward, Secretary of State of the United States, addressed to the governor of the State of Oregon a letter, a copy of which is hereunto annexed, marked 'Claimant's Exhibit No. 3,' wherein attention was called to the necessity for the authorities of said State to place the same in a state of defense; to the fact that in previous wars the several States had independently and by separate activity supported and aided the Federal Government in its responsibilities, and that 'in view of this fact, and relying upon

the increase and continuance of the same disposition on the part of the loyal States, the President has directed me to invite your consideration of the subject of the importance of perfecting the defenses of the State over which you preside, and ask you to submit the subject to the consideration of the legislature when it shall have assembled. Such proceedings by the State would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the Federal Government. Being thus made with the concurrence of the Government for general defense, there is every reason to believe that Congress would sanction what the State should do, and would provide for its reimbursement.'"

That in the month of October, 1861, by authority of the War Department, a call was made for the raising of a regiment of cavalry in the State of Oregon, to be mustered into the service of the United States for a term of three years. Six companies of said regiment were raised during the winter of 1861 and 1862, when, by order of the War Department, it was directed that recruiting should cease. On January 5, 1863, a requisition was made upon the governor of said State for the raising of additional companies to fill the regiment. On account of the conditions then existing in that country, as hereinafter more fully set forth, and the inadequacy of the pay of such troops under the Federal laws then existing, it was found impossible to secure recruits to fill more than one company. One company was, however, raised and mustered into the service of the United States, under the command of Capt. H. C. Small.

That, commencing with the act of September 28, 1850 (9 Stat. L., 504), Congress had provided certain extra pay to the officers and enlisted men of the United States Army serving or enrolled in Oregon and California in recognition of the difference in the conditions existing in that section of the country. By said act of September 28, 1850, it was provided that there should be allowed to each commissioned officer while serving in said States, in addition to their regular pay and allowances, a per diem of $2 each, and to each enlisted man a per diem, in addition to their regular pay and allowances, equal to the pay proper of each as established by existing laws, said extra pay to be retained until said enlisted men were honorably discharged. By the act of Congress of August 31, 1852, said appropriation was continued, but the amount of extra pay to be paid enlisted men was reduced to one-half; these appropriations were not continued during the Civil War, and there were no troops of the Regular Army within the State of Oregon after the summer of 1861.

By the act of Congress of June 17, 1850 (9 Stat. L., 438), the President was authorized to enroll privates by volunteer enlistment in regiments of the Regular Army serving at the several military posts on the western frontier, and it was directed that whenever such enlistments were made at these posts a bounty equal to the cost of transporting and subsisting a soldier from the principal recruiting depot in the harbor of New York to the place of such enlistment should be allowed each recruit so enlisted. The amount so paid these recruits exceeded $150 per man. This provision was repealed by the act of August 3, 1861 (12 Stat. L., 288), although at the time of such repeal the conditions which had theretofore existed still obtained.

In the act of Congress authorizing the President to accept volunteers from the governors of the several States (act of July 22, 1861, 12 Stat. L., 268) and in the act of July 27, 1861, directing the refund to the governors of such States for expenses properly incurred for recruiting, etc., there was no restriction imposed as to the character or amount of such proper expenditures to be incurred or reimbursed.

No troops were raised or recruited by the Federal authorities in the State of Oregon during the Civil War. The pay provided by Congress for volunteers, $13 per month, was paid to the Oregon volunteers in legal-tender notes, notwithstanding that in Oregon and in the other Pacific coast States and Territories gold was maintained as to the standard of value, and such notes had in that section of the United States a commercial value of less than half of their face value. The wages of ordinary laborers in the State of Oregon at that time ranged from $2 to $5 per day, and the cost of living and the prices of all commercial commodities was correspondingly high, so that it became and was impossible for the State authorities to furnish volunteers for service without offering certain premiums or inducements as a consideration for enlistment, and after consultation and conference with the Federal officers in charge of the military department of the Pacific, said State, acting through its governor and legislature, and at the urgent solicitation of said Federal officials, agreed to pay and did pay certain considerations for enlistment, as set forth in the succeeding paragraphs of this petition.

On the 5th day of October, 1864, the governor of the State of Oregon addressed a communication to the general commanding the district of Oregon, Brig. Gen. Benjamin Alvord, stating that the question of passing a law giving bounty for recruits was under consideration, but the fact that when they consider that it will run the State in debt $150,000 to raise 1,000 men seems to make the legislature hesitate, and that "if a call is made for more men, I hope it will be made before the adjournment, so that the question will be fairly presented." In reply thereto Gen. Alvord, on October 18, 1865, addressed a letter to the governor of Oregon, wherein he states:

"I feel that it is very important for the public service, as I have continually represented to you for a long time, that the legislature of Oregon should pass a law giving bounty to volunteers."

On October 20, 1864, the legislature having meanwhile done nothing in the execution of these suggestions, Maj. Gen. Irwin McDowell, commanding the Department of the Pacific at San Francisco, Cal., telegraphed to the governor of Oregon that orders had been received from the War Department that a regiment of infantry be raised in the State of Oregon as soon as possible.

Upon the receipt by the governor of Oregon of this call he acknowledged the receipt thereof as follows:

"Your telegram requesting a regiment of infantry has just been received.

"I will do all in my power to raise it, but fear I may not have as good success as desired. I recommend the legislature now in session to offer bounties, but now it is but one day to the time of adjournment, and I regret to say that I fear a bill introduced for that purpose will not pass."

On the same day said governor advised the general commanding the district of Oregon, Brig. Gen. Alvord, of the receipt of the call for the regiment of infantry, stating that although there has not been a general disposition in the legislature to offer bounties, the making of this call will, he thinks, occasion the passing of the bill. Upon the receipt by the general commanding the department, Maj. Gen. Irwin McDowell, of the letter of the governor of Oregon of October 20, 1864, above quoted, said general telegraphed to the governor of Oregon urging the passage of said bounty law, and in response to this telegram said governor, on October 28, 1864, addressed to Gen. McDowell the following communication:

"STATE OF OREGON, EXECUTIVE DEPARTMENT,
"*Salem, October 28, 1864.*

"GENERAL: Your telegram was duly received. I sent to the legislative assembly the inclosed message, and a law has been passed giving a bounty of $150 to each volunteer. Your telegram just in time. Without it the bounty bill would not have passed. I have the honor to be,

"Very respectfully, your obedient servant,
"ADDISON C. GIBBS.

"Maj. Gen. IRWIN MCDOWELL,
"*Commanding Department of the Pacific.*"

Your petitioner further states that, under stress of the foregoing facts, the Legislature of Oregon, on October 24, 1864, passed two acts, granting in the first what was termed "extra pay," but which was in reality an amount equal to the difference between the value of coin and that of the currency paid to troops serving in the United States Army as volunteers from the State of Oregon, the gold standard being then maintained on the Pacific coast and currency being depreciated approximately 50 per cent, and the second, a bounty of $150 to each recruit thereafter voluntarily enlisting.

There being at the time no available funds for the payment of such extra pay and bounty, it was provided in said acts that, to carry out their provisions, bonds of the State should be issued, and by section 6 of the first-named act it was provided that bonds to the amount of $100,000 should be issued, redeemable on the 1st day of July, 1875, bearing interest at the rate of 7 per cent per annum from the date of their issue, payable semiannually, coupons for such interest to be attached to each bond. By section 8 of the second-named act it was provided that similar bonds bearing the same rate of interest should be issued, redeemable on the 1st day of July, 1884.

By another act, passed October 24, 1864, a copy of which is hereunto annexed, marked "Claimant's Exhibit No. 9," an appropriation of $1,000 was made to pay the expenses of engraving and printing in connection with the two acts above named.

On account of the inducements offered by the acts granting extra pay and bounty, as above set forth, the officers of said State were enabled to promptly and efficiently comply with said third call for the raising of a regiment of infantry, made, as above stated, on the 20th day of October, 1864, and did raise said regiment, which was thereafter mustered into the military service of the United States, and it served for the common defense of the United States until it was mustered out of service by companies at different dates from October 31, 1865, to July 19, 1867; and also, on account of such inducements offered for service in the United States Volunteer Army, said First Regiment of Oregon Volunteer Cavalry, recruited under the calls of October, 1861, and January, 1863, was continued in such service after the expiration of the original terms of service of its veteran volunteers, and, with recruits, continued in the military service of the United States until mustered out by companies at different dates from May 26, 1866, to November 20, 1866.

Your petitioner further states that the difficulties of recruiting troops to serve upon the established rates of Army pay, after the repeal of the provisions of the acts of 1850 and 1851, was fully represented to and recognized by the military authorities of the United States commanding in that country, and was by the general commanding the department duly reported to the War Department; that on November 20, 1863, the general commanding advised the War Department that in the execution of the varied duties and responsibilities in that remote department it had frequently been necessary for him to act promptly and assume responsibilities which in time of peace he would have deferred for the action of the General in Chief and War Department; that he has done and will thereafter do what seems to be his duty, acknowledging his responsibility to the General in Chief, the Secretary of War, and the President, in the concluding paragraph of his letter to the Missouri delegation of October 5, and that he requests of the Secretary of War an approval of all done by him in the matter of raising and organizing volunteer organizations in that department, necessary in view of the fact that objections may be made by the accounting officers in cases where the regulations of the department have not been followed. Inclosed in this communication he forwarded a copy of his General Orders, No. 40, modifying the general orders relative to recruiting by transferring to the governors of the States and Territories the control exercised by commissaries of musters and superintendents of recruiting service.

Your petitioner further states that the passage of these acts granting extra pay were reported to the Secretary of War by the military authorities of said Department of the Pacific, and that the troops so recruited were called for and accepted with the knowledge of the conditions under which said States were required and did secure their enrollment.

The value to the United States of said bounty law in the State of Oregon and the interest of the military authorities of the United States therein is further shown by the following letter of the general commanding the district of Oregon:

HEADQUARTERS, DISTRICT OF OREGON,
Vancouver, Wash., January 10, 1865.

SIR: I learn from Col. Maury on his return from Portland that the idea is entertained by some persons that the act of the Oregon Legislature of 24th October, 1864, providing for payment of $150 bounty "to every soldier who shall hereafter enlist for three years or during the war in any regiment, battalion, or company now organized or hereafter to be organized or raised as part of the quota of volunteers of this State, etc.," was not intended by the members of the Oregon Legislature for any but the First Oregon Infantry.

I desire to say that this must be a mistake, as at the first of the session I saw that a bill had been introduced by Mr. Donnell providing for bounties only to the Oregon Cavalry. I instantly wrote to Mr. Donnell begging him to modify the language of the bill so as to apply to any troops which might be called for, as no one then knew what kind of troops would be called for. The bill passed so as clearly to include either Cavalry or Infantry.

It is essential in the new effort to raise the Oregon Cavalry that the same bounties shall be promised as have been promised the Oregon Infantry. The law clearly and unmistakably provides for them.

I have the honor to be, very respectfully, your obedient servant,
BENJ. ALVORD,
Brigadier General, U. S. Volunteers, Commanding District.

His Excellency A. C. GIBBS,
Governor of Oregon, Portland, Oreg.

That under said act of October 24, 1864, granting extra pay to the Oregon volunteers in the service of the United States, there was expended by your petitioner the sum of $90,392.99, the bonds to raise funds for payment to the amount thereof being issued on January 2, 1865, and during the period while said bonds were outstanding and unpaid, and until the maturity thereof, said State was required to pay and did pay interest thereon at the rate of 7 per cent per annum, amounting to the sum of $44,745.20, making the total expenditure of said State for extra pay under said act the sum of $135,138.19, as will more particularly appear by reference to the vouchers thereof filed in this case under the title of "Abstract K."

Under said act of October 24, 1864, providing for the payment of bounty to volunteers thereafter enlisting, said State paid to such volunteers the sum of $129,041.02, and, having no available funds to meet said expenditure, did, on January 2, 1865, issue bonds bearing interest at 7 per cent per annum, as therein provided, and did actually pay thereon, as interest, the sum of $62,466.45, making a total expenditure of said State on this account of the sum of $191,507.47, as will more fully appear by reference to the vouchers thereof filed in this cause under the title of "Abstract H."

And your petitioner further incurred and paid certain expenses in connection with the office of the adjutant general and the service and the expenses of recruiting officers amounting to the sum of $9,731.33, as will more fully appear by reference to the vouchers thereof filed in this case under the title of "Abstract —."

Your petitioner necessarily incurred and paid certain expenses of the adjutant general's office in connection with the recruiting of said troops for postal expenses, amounting to the sum of $121.72, vouchers for which have been filed in this case under the title of "Abstract F."

And your petitioner further paid certain expenses for services of said adjutant general's office for clerk hire and miscellaneous items, amounting to the sum of $805.66, as will more fully appear by reference to the vouchers filed under the title of "Abstract E."

And your petitioner further paid certain expenses for services rendered by various parties for supplies, printing, services, etc., amounting to the sum of $2,276.63, as will more fully appear by reference to the vouchers filed under the title of "Abstract D."

And your petitioner further states that it paid certain expenses of transportation, amounting to $724.42, as will more fully appear by reference to vouchers filed under the title of "Abstract C."

And your petitioner further states that it paid certain expenses for miscellaneous supplies, such as arms, ammunition, and camp equipage, forage, stationery, etc., amounting to the sum of $3,998.46, as will more fully appear by reference to vouchers filed under the title of "Abstract B."

Your petitioner further states that it was during the years 1863 and 1864 called upon at various times for volunteers for temporary service for periods of a few months, and that troops were mustered into such temporary service, occasioning a part of the expenses hereinbefore set forth; that in order to be in readiness to meet such calls, acting with the full knowledge of the military officers appointed by the War Department and the commander of said military district and in the spirit of the letter of the Hon. William H. Seward to the governor of the State above referred to, it made certain provisions for a State militia, and in order to render such militia efficient it was necessary that the same be assembled at various times, and on this account the petitioner paid during the years 1863, 1864, and 1865 the sum of $9,907; that said militia was not as such mustered into service of the United States, but its organization and efficient condition was occasioned and maintained in order to comply with the request of the honorable Secretary of State, as above set forth, and was reasonable and necessary to that purpose.

Your petitioner further states that it has been guilty of no laches or delay in the preparation or presentation of this claim, but that it duly presented the same to the Treasury Department and to the War Department; that said claim was disallowed by the War Department because said department had no jurisdiction over claims of this nature, and it was disallowed by the Treasury Department for the reason that under the construction of the acts of Congress adopted by that department such expenses could not be allowed.

Your petitioner further states that by an act of Congress approved July 27, 1861, the Secretary of the Treasury was directed to reimburse the States for the costs, charges, and expenses properly incurred in enrolling, paying, etc., troops raised for service during the Civil War, and that under the liberal construction of said act which the Supreme Court of the United States (160 U. S., 598) has decided should be applied, the foregoing disbursements of the State of Oregon should have been allowed and paid, in that they were necessary to accomplish the raising of troops for the common defense.

The case was brought to a hearing on loyalty and merits on the 27th day of November, A. D. 1908.

Messrs. Ralston & Siddons and W. E. Richardson, Esq., appeared for the claimant, and the Attorney General, by Clark McKercher, Esq., his assistant, appeared for the protection and defense of the interests of the United States.

The court, upon the evidence adduced and after considering the arguments and briefs of counsel on both sides, makes the following

FINDINGS OF FACT.

I. In the early part of the Civil War the Federal troops in the State of Oregon were withdrawn for service in the East, rendering it necessary for the State authorities to raise troops for the protection and defense of the State and its citizens and the residents of adjoining Territories. Under various calls made by the War Department, the State raised seven companies of cavalry and one regiment of infantry during said war, as hereinafter set forth, numbering in all about 1,810 men, which were mustered into the United States service and were engaged during the war and until the close of the year 1866 in operations against hostile Indians.

II. In the winter of 1861–62 private citizens of Oregon, pursuant to calls made by the United States military authorities of the Pacific coast, raised six companies of cavalry, thereafter known as the "First Oregon Cavalry," which were mustered into the United States service for the term of three years. On January 5, 1863, to meet the then existing demand for troops, a further call was made on the governor of Oregon for the raising of six additional companies to complete the regiment of First Oregon Cavalry. Efforts were made by the State authorities, assisted by United States officers, to raise these troops, and up to August 10, 1863, they had been successful in raising but one company. The terms of enlistment of many of these men would expire in 1864, and on October 24 of that year the legislature of the State of Oregon passed an act entitled "An act for the relief of the commissioned officers and enlisted men of the Oregon volunteers in the service of the United States," granting to every Oregon volunteer then in the service of the United States extra pay to the amount of $5 per month from date of enlistment to date of discharge. Said act provided for the issuance of bonds to the amount of $100,000, bearing interest at the rate of 7 per cent per annum. In the redemption of these bonds the State expended for principal and interest the sum of $135,279.72, and for advertising for the redemption of the bonds before maturity the sum of $354.10, making a total of $135,633.82.

The amounts so expended under said soldiers' relief act were paid to volunteers whose terms of service had expired or were about to expire. The payment of same was a gratuity on the part of the State and was granted without any authority from the United States, and the State of Oregon has no claim, legal or equitable, against the United States on account of the expenses so incurred.

III. On October 20, 1864, Maj. Gen. McDowell, commanding the Department of the Pacific, telegraphed the governor of Oregon that orders had been received by him from the War Department that a regiment of infantry be raised in the State of Oregon as soon as possible. Upon receipt of said telegram the governor wrote Gen. McDowell, as follows:

"Your telegram requesting a regiment of infantry has just been received. I will do all in my power to raise it, but I fear I may not have as good success as desired. I recommend the legislature now in session to offer bounties, but now it is but one day to the time of adjournment, and I regret to say that I fear a bill introduced for that purpose will not pass."

The conditions then existing in that State on account of the high rate of wages, the cost of living, the inadequacy of the pay of United States troops, and the depreciation of legal-tender notes in which they were paid, as provided by law, made it impossible for the State authorities to secure volunteers for the military service without offering premiums or inducements as a consideration for enlistment.

Brig. Gen. Alvord, commanding the district of Oregon, in a communication to the governor of the State, dated October 18, 1864, which was transmitted to the legislature in a special message by the governor, stated that he felt it important for the public service, as he had continually represented to the governor, that the legislature of Oregon should pass a law giving bounty to volunteers; that the inadequacy of the pay was especially evident on the Pacific coast, where the depreciation of legal-tender notes was discouraging to volunteering. It also appears that immediately after the bounty act of October 24, 1864, hereinafter referred to, was passed, the governor of Oregon, Addison C. Gibbs, sent the following communication to Maj. Gen. Irwin McDowell:

STATE OF OREGON, EXECUTIVE DEPARTMENT,
Salem, October 28, 1864.

GENERAL: Your telegram was duly received. I sent to the legislative assembly the inclosed message, and a law has been passed giving a bounty of $150 to each volunteer. Your telegram just in time. Without it the bounty bill would not have passed.

I have the honor to be, very respectfully, your obedient servant,
ADDISON C. GIBBS.

Maj. Gen. IRWIN MCDOWELL,
Commanding Department of the Pacific.

On October 20, 1864, the governor sent a special message to the legislature of the State, informing it of the call made by the War Department for a regiment of infantry and quoting from Gen. Alvord's letter, above referred to, recommending the passage of a law granting bounty to volunteers.

Thereupon the legislature of the State, acting upon the suggestion of Gen. Alvord, passed an act approved October 24, 1864, granting a bounty of $150 to every soldier who should thereafter enlist for three years or during the war in any regiment, company, or troop, then or thereafter to be organized, and by said act appropriated and set aside a fund of $200,000, called the soldiers' bounty fund, for paying said bounties.

The State at the time was without available funds for the purpose of carrying into effect the provisions of said act, and to provide for the fund thereby created authorized the issuance of bonds, redeemable July 1, 1884, bearing interest at the rate of 7 per cent per annum from the date of issue. Thereafter the State raised one regiment of infantry, known as the First Oregon Infantry, which was mustered into the service of the United States for three years, and recruited all the companies of the First Oregon Cavalry whose terms of enlistment had expired.

In the raising of said regiment of infantry the State issued to soldiers enlisting after the passage of said act 2,760 bonds of the State of the par value of $50 each, and in the redemption of said bonds it necessarily and properly expended the following amounts: For principal, the sum of $129,041.02; for interest thereon the sum of $63,868; and for advertising for the redemption of bonds before maturity the sum of $481. The State also expended in connection with the raising of said troops and the payment of bounty under said act the sum of $153 for printing said bounty bonds, warrants, commissions, bounty certificates, and bond books, making a total expenditure under said bounty act on account of bounties paid to volunteers mustered into the United States service $193,543.02, no part of which appears to have been repaid to it.

IV. The troops so organized and mustered into the United States service as aforesaid were never actually called into the service of the United States in the suppression of the War of the Rebellion, but were engaged exclusively in the State of Oregon and adjacent Territories in the suppression of Indian outbreaks.

V. At the time of the passage of the act of the Legislature of the State of Oregon of October 24, 1864, the act of July 4, 1864 (13 Stat. L., 379), granting bounty to one, two, and three year volunteers was in force and the records of the Treasury Department in the office of the Auditor for the War Department show that the enlisted men of the First Oregon Infantry were paid bounties by the United States under that act.

Said records also show that the enlisted men of the First Battalion of Cavalry, Oregon Volunteers, were paid bounties by the United States under the act of Congress of July 22, 1861 (12 Stat. L., 268, secs. 5 and 6), and orders of the War Department, series of 1863, legalized by joint resolution of January 13, 1864 (13 Stat. L., 400).

VI. The Legislature of Oregon passed an act approved October 16, 1862, providing for an enrolled militia out of which the Organized Militia of the State should be formed. Companies were raised, equipped, and drilled, and the State expended during the years 1863 to 1865, in raising, supplying, and equipping said militia the sum of $6,323.44.

No part of said militia was ever in the military service of the United States, and the State of Oregon has no claim, legal or equitable, against the United States for expenses incurred by the State in raising, supplying, and equipping the same.

VII. This claim was first presented to the War Department and was disallowed, because that department had no jurisdiction to consider such claims. It was then presented to the Treasury Department in 1884 under the act of June 27, 1882 (22 Stat. L., 111), and was disallowed on the ground that the act of July 27, 1861 (12 Stat. L., 276), made no provision to pay the expenses of raising troops for State purposes.

Thereafter the claim was presented to the Fiftieth and subsequent Congresses, and was transmitted to the court by resolution of the United States Senate, as hereinbefore set forth.

BY THE COURT.

Filed December 31, 1908.
A true copy.
Test this 29th day of April, 1909.
[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The CHAIRMAN. The Chair is ready to rule. If this was a judgment of the Court of Claims, it would be in order on a deficiency bill. The gentleman from Oregon states that it is not a judgment of the Court of Claims, but is a mere finding of fact by that court. Findings of fact filed by the Court of Claims do not authorize an appropriation on a general deficiency bill. The Clerk will read.

The Clerk read as follows:

Indiana Harbor, Ind.: So much as may be necessary of the unexpended balance of the appropriation heretofore made for the improvement of the harbor at Indiana Harbor, Ind., is hereby made available, in the discretion of the Secretary of War, for the maintenance of the inner harbor, in accordance with the provisions of House Document No. 1113, Sixtieth Congress, second session.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I do not find anything in the index of the hearings relating to this provision. I would like to know whether it was recommended by the Secretary of War to be included in this bill.

Mr. CRUMPACKER. Mr. Chairman, that provision was recommended by the Secretary of War. It was put in the bill at my suggestion and was put into form by the gentleman from New York [Mr. ALEXANDER], chairman of the Committee on Rivers and Harbors.

It involves no appropriation. The situation is this: On December 4, 1908, House Document 1113 was submitted to Congress by the Secretary of War, recommending that the Government take over the harbor at Indiana Harbor, Ind., extending from Lake Michigan to the Calumet River south, a distance of about 3 miles. The document set out the plan of the harbor in detail. At that time what is called the outer harbor, the portion lying between certain railroad and Lake Michigan, had been completed. The last river and harbor bill, approved June 25, 1910, carried an appropriation of $62,000, to be expended in accordance with House Document 1113 for improvement and maintenance of the outer harbor.

House Document 1113 recommended that the Government take over the work from the lake to Calumet River when private interests had dredged the harbor at a depth of 22 feet and 300 feet wide from the lake to the railroads and from the railroad, those located nearest the lake, down to Calumet River, 22 feet deep and 200 feet wide.

It was estimated that $62,000 would be required to improve and maintain that portion called the outer harbor.

That was in December, 1908. There was no legislation until June 25, 1910, when the river and harbor bill carried an appropriation of $62,000, and authorized the Government to take over the improvement. The document required the owners of the land to turn over to the Government, free of cost and free of all claims of whatsoever character, the harbor from Lake Michigan down to the Calumet River.

In the meantime private interests have been dredging the harbor and have completed it for a mile and a half south of the lake. There have been two large industries already located on the inner harbor and one is negotiating now, with a view to establishing a steel plant on the harbor costing upward of $5,000,000, and the question in the mind of that company is whether the Government is committed to the maintenance of the inner harbor after it is completed. The harbor has already been taken over by the Government, and the title was accepted last November. Not a dollar of the $62,000 has been expended, and the probabilities are that little, if any, will be expended until we have another river and harbor bill. The provision authorizes the use of the $62,000, or any part of it, in maintaining the inner harbor as far as completed.

The harbor is dredged, a mile and a half south of the lake, 200 feet wide and 22 feet deep, and the balance of it is dredged 100 feet wide and 22 feet deep, and the company is at work completing the dredging. Local interests did this all at their own expense at a cost of about $750,000, and it is the only harbor in that portion of northwestern Indiana that is free and open and it is being occupied by independent steel makers. There is another harbor at Gary that is owned and controlled by the United States Steel Corporation absolutely, built by the corporation and owned by it, and is under its control, and the importance of this legislation is that independent companies may locate on the channel and get the benefit of the harbor.

Mr. KEIFER. I would like to inquire if the gentleman from Indiana knows the amount of the unexpended balance of the appropriation heretofore made for the improvement of the harbor?

Mr. CRUMPACKER. It is all unexpended.

Mr. KEIFER. How much was it originally?

Mr. CRUMPACKER. Sixty-two thousand dollars, and no part of it has been expended.

Mr. MANN. This is just for maintenance.

Mr. CRUMPACKER. This is for maintenance. It does not appropriate any money, but gives the Secretary of War discretion to use a portion of the appropriation in maintaining the inner harbor.

Mr. STAFFORD. As I understand the proposition, the money was originally appropriated for outer harbor improvements.

Mr. CRUMPACKER. It was appropriated for improvements of the so-called outer harbor in accordance with House Document 1113.

Mr. STAFFORD. And now you wish to apply that to inner harbor development?

Mr. CRUMPACKER. The House document states that the Government should maintain the harbor down as far as it was completed, and it having been completed up to the railroads at that time, it estimated that the amount appropriated was necessary for improvement and maintenance up to that point. That was the interpretation of the law made by the War Department.

Mr. STAFFORD. Will the gentleman explain why this provision was not incorporated in the river and harbor act of this year?

Mr. CRUMPACKER. Because nobody knew. I did not know anything about it. I supposed that the War Department had given the document the construction that it seems to me was almost forced, that the amount was available for maintenance, as far as the harbor was completed, and they have completed the harbor a mile and a half since House Document No. 1113 was filed.

Mr. COX of Indiana. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. STAFFORD. Mr. Chairman, I desire some further information. If the committee wishes the regular order, I shall insist on the point of order.

Mr. CRUMPACKER. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRUMPACKER. This paragraph is of a great deal of importance to that locality and it does not cost the Government a penny.

Mr. STAFFORD. Will the gentleman answer me this, whether the Chief of Engineers or the Board of Engineers that review harbor improvement estimates have ever approved of the improvement covered by this document, similar to the practice obtaining to the provisions carried in the river and harbor bill?

Mr. CRUMPACKER. What does the gentleman mean?

Mr. MANN. They made their report, which is House Document 1113.

Mr. CRUMPACKER. All we have on the subject is a letter from the War Department stating that there is no objection to this provision, and they can only use the appropriation as far as the harbor is completed, according to the terms of House Document 1113.

Mr. STAFFORD. Has the Board of Engineers approved of that likewise? The gentleman knows that to obtain an appropriation in the river and harbor act under the practice of the River and Harbor Committee it is necessary to have the favorable indorsement of the Chief of Engineers and also the Board of Engineers.

Mr. CRUMPACKER. The Board of Engineers approved and recommended the taking over of the improvement in the first place, upon the conditions set forth in House Document 1113.

Mr. MANN. That was their report.

Mr. CRUMPACKER. That was the engineer's report, and the Secretary of War has recommended this particular item.

Mr. STAFFORD. As I understand, it is because of the belated information called to the gentleman's attention that this matter was not incorporated in the river and harbor act of this year?

Mr. CRUMPACKER. That is it.

Mr. STAFFORD. I withdraw the point of order.

The Clerk read as follows:

To pay the Canadian Electric Light Co. for damages to its cable by the U. S. gunboat Essex by fouling her anchor with the company's cable between Levis and the city of Quebec, July 17, 1904, the same being in full for and the receipt of the same to be taken and accepted as full and final release of the claim, $7,307.30.

Mr. COX of Indiana. Mr. Chairman, I make a point of order on the paragraph; it is nothing but a claim.

The CHAIRMAN. The Chair desires to inquire of the gentleman from Ohio if there is any law authorizing this expenditure.

Mr. KEIFER. This is, as I understand it, an international matter.

The CHAIRMAN. The Chair fails to hear the gentleman from Ohio. Does the gentleman assert that this appropriation is to carry out the provisions of a treaty?

Mr. KEIFER. That is what I understand by it.

The CHAIRMAN. Then the Chair would overrule the point of order.

Mr. COX of Indiana. Mr. Chairman, but the gentleman does not assert that that is true.

Mr. KEIFER. This is not exactly to carry out a treaty, but it is to carry out an obligation that grows out of an international matter between the two countries, as I understand it.

The CHAIRMAN. The matter has never been adjusted between the two Governments?

Mr. KEIFER. I think it has, but let me make this suggestion if there is any question about it. I am not very familiar with this, and I ask unanimous consent that it be passed over for the present.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the paragraph be passed without prejudice.

Mr. COX of Indiana. I will consent to that; that is, with the point of order pending.

Mr. KEIFER. Certainly.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The Auditor for the Navy Department is directed to allow mileage to officers of the Navy who have heretofore been disallowed same by reason of a decision of the Assistant Comptroller of the Treasury, dated March 17, 1910; and to pay said allowances out of any balances of the appropriations for pay, miscellaneous, of the Navy.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order on the paragraph. Is there any authority of law for that? I will make the point of order, then, Mr. Chairman.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. COX of Indiana. I make the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Ohio on the point of order.

Mr. KEIFER. Mr. Chairman, I am not very familiar with the item, but I understand there was a different construction given by the Comptroller of the Treasury with reference to making these payments and allowance of mileage to officers of the Navy; that they have reviewed that and made those allowances to those officers in the form of mileage, and this item is to carry moneys which were disallowed by a former construction of the department.

The CHAIRMAN. Under a present construction given by the department?

Mr. KEIFER. The present construction allows it, and it is recited in the paragraph to which the point of order is made:

The Auditor for the Navy Department is directed to allow mileage to officers of the Navy who have heretofore been disallowed by reason of a decision of the Assistant Comptroller of the Treasury dated March 17, 1910——

Mr. MANN. Will the gentleman yield for a question?

Mr. KEIFER. Yes.

Mr. MANN. Under the wording of the paragraph, does it mean disallowel by reason of the decision by the assistant comptroller or for the purpose of allowing it by reason of a recent decision of the comptroller?

Mr. KEIFER. No; it was formerly disallowed, and on a review in the auditor's office, Navy Department, they reversed the decision of the assistant comptroller.

Mr. MANN. Here is a decision of the assistant comptroller dated March 17, 1910, and the way the paragraph reads it would apparently mean that it was disallowed by reason of that decision. If so, it must be subsequent——

Mr. KEIFER. The allowance of mileage to the officers of the Navy Department who heretofore had their claims disallowed. That is the way I understand it.

Mr. MANN. It says:

Who has heretofore been disallowed same by reason of a decision of the Assistant Comptroller of the Treasury, dated March 17, 1910.

If they were disallowed by reason of that decision, that is one thing. If a decision of the comptroller on March 17 would allow the claim which had been previously disallowed, it might be a different situation.

Mr. TAWNEY. Mr. Chairman, this paragraph authorizes the Auditor for the Navy Department to allow mileage to the officers whose claim for mileage has heretofore been disallowed under a decision of the Comptroller of the Treasury dated March 17, 1910.

The CHAIRMAN. The Chair asks the gentleman from Minnesota if that decision has been reviewed and changed or overruled?

Mr. TAWNEY. It has not, and I will say to the gentleman from Indiana—I do not know whether the facts have been explained fully or not——

Mr. MANN. They have not.

Mr. TAWNEY. The facts are these: These officers, and there are only a few of them, are naval officers who had performed sea duty for a period of three years. They had performed their full period of three years of sea duty. Under the regulations they are entitled to 30 days' leave after three years of sea duty.

They were ordered to their homes with leave for 30 days. Under the decision of the Comptroller of the Treasury and the Auditor for the Navy Department, the fact that leave was granted to them in the same order, and instead of ordering them to their homes to await orders ordered them home on 30 days' leave, under the regulations and under the law, deprived them of their mileage from the station at which they were serving their sea service to their homes. If the order had been to return to their homes and await orders then they would have been entitled to the mileage and would have received it. Now, they attempted to cure the defect in the original order by writing a subsequent letter to the effect that they would be granted 30 days' leave of absence, at the expiration of which they would then receive orders for further duty. In one case there was $700 that one young officer of the Navy had received on account of mileage, and when this decision was rendered the amount which he had just received, and to which he was legally entitled, has been charged against him and is being taken out of his pay from month to month as his pay accrues, when it was no fault of the officer in any sense at all.

Mr. COX of Indiana. As I understand the gentleman's statement, the fault was more in the order than in the decision?

Mr. TAWNEY. The fault was in the order.

Mr. DAWSON. If the gentleman will pardon me, is it not true that the department has corrected this as far as it applies to the future by, instead of issuing one order, issuing two orders, and if that had been done in these instances in the past this probably would never have arisen at all?

Mr. TAWNEY. It is a hardship on the officer, who was in no sense responsible.

Mr. COX of Indiana. The explanation is satisfactory to me, Mr. Chairman.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

INTERIOR DEPARTMENT.

For reimbursement to the appropriation for contingent expenses, Department of the Interior, 1911, of expenses incurred in the investigation instituted in the Patent Office to determine the validity of certain applications for patent for electric lighting, filed by one John Allen Heany, including traveling expenses, expenses of witnesses, cost of copies of testimony, and other expenses incident to the investigation, $2,500, to remain available until used.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I notice that it proposes to reimburse the appropriation for contingent expenses, and then it makes the item available until used. I take it that the unexpended balance of the appropriation for contingent expenses for the Department of the Interior would itself be covered into the Treasury at the end of two years. What is the object of making this item available until used?

Mr. TAWNEY. I will say to the gentleman from Illinois that if there is an unexpended balance in the contingent appropriation it shall be turned into the Treasury at the end of two years, but this is to reimburse that appropriation for the expenses that were incurred in the Patent Office in an investigation that has been going on there for some time regarding the validity of certain patents. There have been some prosecutions already growing out of this investigation. The Commissioner of Patents was obliged to conduct it. There were no funds with which to pay the expenses, and it was necessary in the investigation to bring witnesses to Washington from some distance. The department has paid the expense out of

the contingent appropriation. Now, the amount that has already been expended is something like $2,000 or $2,500, which will materially reduce this appropriation, and it is for that purpose, and that is the reason why it becomes necessary to reimburse this appropriation.

Mr. MANN. Yes; but I call the attention of the gentleman to the fact that this is to reimburse a specific appropriation for contingent expenses for the year 1911.

Mr. TAWNEY. Yes.

Mr. MANN. That appropriation will not remain available after it goes back into the surplus fund of the Treasury, but this appropriation is to remain available until used, and all it could be used for would be to reimburse a fund which has already been covered into the Treasury.

Mr. TAWNEY. The gentleman is right in that, although the commissioner requested this language. because he thought possibly the investigation would not be concluded during this fiscal year, and it was to make available for this investigation the appropriation asked, or the reimbursement asked for, beyond the end of this fiscal year. Now, if it will satisfy the gentleman from Illinois to strike out the provision that it remain available until used, I would be perfectly willing to do it.

Mr. MANN. But this appropriation will remain available without that in, as long as the other appropriation, and made available to reimburse another appropriation.

Mr. TAWNEY. It will remain available for expenditures on account of obligations incurred throughout the year for which the appropriation is made, and not any longer.

Mr. MANN. It is self-contradictory on its face, and for that reason it is objectionable.

Mr. TAWNEY. But if it is a matter of interest to the gentleman, I will ask that the words "to remain available until used" be stricken out of that provision. I make that motion, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the words "to remain available until used." The question is on agreeing to the motion.

The motion was agreed to.

The Clerk read as follows:

To complete the construction of the building for the heating, lighting, and power plant in connection with the Capitol Building and other congressional buildings, including waterway, substation equipment, cable connections between buildings, and for each and every purpose in connection with and necessary for said completion, $54,357.65, to be expended under the direction of the commission in control of the House Office Building appointed under the sundry civil appropriation act approved March 4, 1907.

Mr. CULLOP. Mr. Chairman, I make a point of order on the paragraph commencing on page 42 and running over on page 43. I would like to ask the chairman of the Committee on Appropriations if that commission was not changed the other day in the House?

Mr. FITZGERALD. No; that is not the same commission. There are two House Office Building Commissions, the one in charge of construction and the other that is in charge of the building after construction. The commission originally appointed was known as the commission to construct the building. That commission is ready to report, and this particular language is put in so that there will be no question about the authority to control this appropriation. This commission can only consist of men who are Members of the House.

Mr. CULLOP. Then this is not the same commission that was referred to the other day?

Mr. FITZGERALD. No. The gentleman probably has in mind the commission to reconstruct the Hall of the House.

Mr. CULLOP. Yes. I withdraw the point of order.

The Clerk read as follows:

To pay Elliott Woods compensation for services in connection with the preparation of the plans and specifications for and superintending the construction of the House Office Building, the Capitol power plant, and subway, as authorized by the act approved March 3, 1905, $7,500.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order on that paragraph.

The CHAIRMAN. The gentleman from Indiana reserves the point of order on the paragraph.

Mr. COX of Indiana. I want some explanation of it, and as suggested by my colleague from Illinois here [Mr. FOSTER], I would like to have some explanation as to why this second item is included.

Mr. TAWNEY. Mr. Chairman, I will say for the information of the gentleman from Indiana that at the close of the Fifty-seventh Congress, or at the last session of the Fifty-seventh Congress, Congress authorized the construction of the House Office Building and also the construction of the Senate Office Building, and Congress at that time created a commission to supervise and superintend the construction of both buildings and the approaches from both buildings, including the tunnels, to the Capitol, which is under the jurisdiction of the Superintendent of the Capitol Building. The aggregate expenditure authorized for the House Office Building was $3,160,548. About the same amount was appropriated for the construction of the Senate Office Building. Now if the commission, as it was authorized to do—and I hope I may have the attention of the gentleman from Indiana——

Mr. COX of Indiana. I am listening——

Mr. TAWNEY. If the commission, as it was authorized to do, had employed an outside architect for the purpose of preparing plans and specifications and for superintending the construction of those buildings, tunnels, and so forth, in connection with and incidental to the construction of those buildings, the architect's charge would have been 6 per cent of this construction. Instead of that, however, the Superintendent of the Capitol Building and Grounds was charged with the duty and responsibility of preparing the plans and specifications and superintending the construction of these buildings, although that work was entirely outside of his statutory duties as Superintendent of the Capitol. But believing, as the commission did, that the Superintendent of the Capitol possessed the requisite ability to plan and superintend this work, they placed him in charge of it. As a matter of protection the commission authorized the Superintendent of the Capitol to employ a consulting architect. The plans and specifications for the buildings were prepared and the buildings were constructed, and if the plans and specifications had been prepared and the construction of the buildings superintended by an outside architect that outside architect would have received a fee ranging somewhere between $350,000 and $400,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I trust I may have five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman desires five minutes more. The Chair hears no objection. The gentleman may proceed.

Mr. TAWNEY. These buildings were constructed under the supervision of the Superintendent of the Capitol at an expense not only within the bare limit of cost, but considerably below the limit of cost. There would have been paid for architect's fees on the House Office Building, on the basis of 5 per cent, $158,000. As it was, the supervisory and architectural work actually cost the Government the sum of $88,000, or only 2.7 per cent of the cost of the building.

Mr. COX of Indiana. To whom was that paid?

Mr. TAWNEY. A large part of that was paid to the consulting architect.

Mr. FITZGERALD. That included the plans, did it not?

Mr. TAWNEY. Oh, yes; that included the office force, the preparation of the plans and specifications, and the compensation of the consulting architect.

Mr. SIMS. That included all the expense of such services as an ordinary architect would perform?

Mr. TAWNEY. Yes; that included all the expense that would have been incurred if an outside architect had been employed.

Mr. SIMS. Let me ask the gentleman how this amount compares with what the architect charged for remodeling the White House?

Mr. TAWNEY. Well, I do not think there is any comparison with the charge made by the architect who prepared the plans and specifications for remodeling the White House.

Mr. SIMS. This is so much more modest.

Mr. TAWNEY. Yes.

Mr. SIMS. There we expended $600,000, and I suppose the architect received his 5 per cent, or $30,000.

Mr. TAWNEY. As I was saying, the work actually cost the Government the sum of $88,000, or 2¾ per cent on the cost of the building. Out of this the sum of $31,703.95 was paid for the services of a consulting architect, and a further sum of $11,000 for special engineering services, which ordinarily the client has to pay. The total net saving to the Government on architectual cost alone on this building has actually been $70,027.44.

I have a similar statement with regard to the saving on the Senate Office Building. Now, the net saving to the Government on the entire construction has been $140,855.12.

Mr. SIMS. Due to the services of Mr. Woods?

Mr. TAWNEY. And that saving has been due entirely to the fact that the Superintendent of the Capitol Building has rendered the service, for which otherwise the House Office and Senate Office Building Commissions would have had to employ outside architects, at an increased cost of over $140,000.

Now, what it is proposed to do is to allow Mr. Woods $7,500 compensation for the services he has rendered in saving to the Government of the United States more than $140,000.

In this connection it may be of interest to the Members of the House to know——

Mr. COX of Indiana. What is the salary of the Superintendent of the Capitol?

Mr. TAWNEY. The salary is $6,000 a year, but during the time when he was performing most of this service the salary was only $4,500 a year. His salary was raised only a year ago.

In this connection I want to call attention to the fact that when the National Museum was authorized, at a cost of only a little over $2,000,000, the superintendent of the Congressional Library, charged with the responsibility, not of preparing the plans and specifications, but of supervising the construction of the National Museum, was allowed $2,000 a year in addition to the salary of $5,000 a year which he received as superintendent of the Congressional Library, and he has since that time served in that capacity for a period of over seven years, receiving therefor, merely as superintendent, an aggregate of about $14,000 for the entire service, whereas the Committee on Appropriations recommend only $7,500 for Mr. Woods. I trust that the gentleman will not object to this; but if it is objected to on the ground that it is not authorized by law, then I want to say that page 30 of the sundry civil appropriation act approved March 3, 1905, expressly authorized this commission to employ the services of Mr. Woods or any other architect that they might see fit, and this is only a matter of simple justice. In my judgment the amount ought to have been twice what we have allowed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I desire to be recognized in my own right, simply to ask a question. Is it not also a fact that the Institute of American Architects made considerable complaint because Mr. Woods was permitted to do this work?

Mr. TAWNEY. They did. The Institute of American Architects made a great deal of complaint against the commission for having employed him.

Mr. SIMS. The object of the commission in employing him was to save money to the Government.

Mr. TAWNEY. To save money to the Government, and there has been a very large saving.

Mr. MANN. Mr. Chairman, I was chairman of the committee on the House Office Building, the special committee on the assignment of rooms in that building. That committee commenced the performance of its duties before this building was completed, and in connection with the position which I occupied I was brought into contact with Mr. Woods for awhile almost daily. I have no hesitation in saying that Mr. Woods saved not merely the amount of money which the gentleman from Minnesota has referred to as saved in architects' fees, but that he saved to the Government a quarter or a half of a million dollars in the construction of the House Office Building. There were no large bills for extras in that building. It is one of the few buildings which have been constructed of such a character in the country where, although the cost of the materials had materially increased, the total cost of the building was within the original estimate of the cost. And it was largely owing to the common sense and to the constant care of Mr. Woods, the Superintendent of the Capitol.

Of course, I do not know whether he is entitled to compensation under the provisions of the law or not; but I do believe it is to the interests of the Government to pay such a man for such services rendered outside of his statutory duties a fair and reasonable amount. It has become the practice to provide, in reference to the erection or repair of Government buildings in Washington, that they shall be constructed under the supervision of the Superintendent of the Capitol. There have been several such cases as that. He has not been here asking for compensation in these cases. But when he did the work which he did on the House Office Building it is an economical proposition to pay him for that and expect other public servants will render like services in the future.

Mr. SIMS. And he did not neglect any of his official duties during that time.

Mr. TAWNEY. He did not.

Mr. ADAMSON. Mr. Chairman, I want to corroborate all that the gentleman from Illinois has said about Mr. Woods. It was my lot to serve upon the committee with the gentleman from Illinois, and I have personal knowledge of the facts which he has stated. I think we not only saved money in employing Mr. Woods, but we saved immensely by the practical, level-headed common-sense way the work was done, as well as architecturally, in my judgment.

Mr. TAWNEY. Mr. Chairman, I want to add a word in justification of the recommendation of the committee. Members of the House will recollect the fact that we constructed new buildings at Annapolis at a limit of cost of about $8,000,000 which was subsequently increased to $10,000,000. The architects' fees, or the fees paid the architects who prepared the plans and specifications and superintended construction of those buildings, aggregated almost $500,000. Here is an expenditure almost equal to that and we recommend the paltry sum of $7,500.

Mr. COX of Indiana. Mr. Chairman, I want to ask the gentleman a question. He and I have no quarrel about the competency of Mr. Woods or about the work he has done and the economy he has effected. But I want to know whether or not, if Mr. Woods gets this $7,500, that that will be in complete payment for everything he has done in superintending the House Office Building?

Mr. TAWNEY. So far as I know there will be no further payment in regard to the House Office Building or the power plant.

Mr. COX of Indiana. Or on the Senate Office Building?

Mr. TAWNEY. I do not know anything about the Senate Office Building. That is under the control of another commission.

Mr. COX of Indiana. If I could have some assurance that this would be the final amount asked for, I might withdraw the point of order.

Mr. TAWNEY. It is a matter of little consequence to me so far as the point of order is concerned, because the employment was authorized by law, at such compensation as the commission deems necessary. The work has been completed, and the compensation carried here has been recommended by the commission.

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. MANN. Let us be perfectly on the square about this. We all admit that Mr. Woods ought to receive some compensation. This item proposes to pay him $7,500 on account of the House Office Building.

Mr. TAWNEY. And the power plant.

Mr. MANN. I do not see anything about the power plant.

Mr. TAWNEY. All the work he has done under the direction of the House commission.

Mr. MANN. How much is he to get for superintending the erection of the Senate Office Building?

Mr. TAWNEY. I do not know. We have no control over the matter.

Mr. MANN. I think we have.

Mr. TAWNEY. We have not, and if the Committee on Appropriations had reported a provision here for compensation on account of both buildings it would not have been authorized by law. The construction of the Senate building is under authority entirely distinct from the construction of the House Office Building.

Mr. MANN. I understand that, but——

Mr. TAWNEY. And I do not know that the Senate contemplates giving him anything.

Mr. MANN. The Senate does not give it to him. Congress gives it to him.

Mr. TAWNEY. I mean that I do not know that the Senate proposes to increase this amount. I hope the Senate will.

Mr. MANN. That is what I want to get at. Why not fix the amount here now.

Mr. TAWNEY. I do not think we ought to.

Mr. MANN. I do not think we have turned over everything in connection with the Senate Office Building to the Senate itself.

Mr. TAWNEY. If they think he is entitled to compensation for services rendered to that commission, we ought to leave it to them.

Mr. SMITH of Iowa. It seems to me the gentlemen ought to bear in mind the fact that the House Commission has made an estimate for this amount. No estimate has been received from the Senate Commission. It seems to me it would be highly improper to have put into this bill an appropriation for Mr. Woods for the Senate work without any estimate at all.

Mr. MANN. I bear this fact in mind, which evidently the Committee on Appropriations does not bear in mind, that the limit of cost of both of these buildings has been reached.

Mr. SMITH of Iowa. Yes; and exceeded.

Mr. MANN. And that this item would not be in order because of that fact.

Mr. SMITH of Iowa. Oh, I beg the gentleman's pardon. It is my understanding that there are repeated rulings to the contrary, where the limit has been reached and passed as in this case.

Mr. MANN. By what authority, the limit of cost having been reached?

Mr. SMITH of Iowa. After the Congress has appropriated all the money authorized, as for instance in the case of the

Atlanta Penitentiary and the Leavenworth Penitentiary, and it then makes an additional appropriation, that abandons the limit of cost according to numerous decisions.

Mr. MANN. Not at all.

Mr. SMITH of Iowa. It seems to me that it is perfectly plain why this bill should carry the expense of the House Office Building as reported by the House Commission and estimated for to this Committee on Appropriations.

Mr. MANN. I am not opposed to it. I believe in putting them both together.

Mr. SMITH of Iowa. I do not see why the gentleman insists that an appropriation for the Senate Office Building should be reported by the Appropriations Committee to the House without an estimate and without any information as to what the Senate Commission wants.

Mr. MANN. We have just as much information about one as the other.

Mr. SMITH of Iowa. Oh, I beg the gentleman's pardon.

Mr. MANN. We have. I do not know what the information of the gentleman from Iowa may be, but no information has been furnished to the House more than we have about both buildings.

Mr. SMITH of Iowa. I beg the gentleman's pardon. The estimate is in for the House Office Building.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. COX of Indiana. I ask unanimous consent that his time be extended for five minutes.

There was no objection.

Mr. TAWNEY. I have a letter here addressed to me, dated February 21, 1911, which I will read:

OFFICE BUILDING,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 21, 1911.

DEAR SIR: We recommend and request that there be included in the general deficiency appropriation bill provisions to pay Elliott Woods, Superintendent of the Capitol Building, the sum of $7,500 for services rendered in the preparation of plans for and superintending the construction of the House Office Building, the Capitol power plant, and the subway connecting the Capitol and House Office Building, and to James C. Courts, clerk of the Committee on Appropriations, the sum of $2,500 for his services as secretary to the House Office Building Commission from the time of its organization in March, 1903, to the present date.

Both of these employments and payment therefor were authorized by a provision carried in the sundry civil act approved March 3, 1905.

It is proper to add that neither Mr. Woods nor Mr. Courts has heretofore been paid anything for the services they have rendered nor has the commission, during its period of service, employed anyone else to act in the capacity in which they have served.

Very respectfully,
J. G. CANNON,
WALTER I. SMITH,
House Office Building Commission.

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives.

Mr. COX of Indiana. Now will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. I want to ask the gentleman this question: Whether or not he has any information from Mr. Woods whatever, if it is not disclosing any confidence, that if this sum of $7,500 be allowed to Mr. Woods he will accept that in lieu of all services, not only for supervising the House Office Building, but the Senate Office Building as well?

Mr. TAWNEY. I will say frankly and truthfully to the gentleman from Indiana——

Mr. COX of Indiana. I know you will, whatever you may say.

Mr. TAWNEY (continuing). That I have never had a word of conversation with Mr. Woods on the subject. He has never asked me to make any recommendation. The matter was not even discussed between him and myself at any time and so far as I am concerned as a member of the Committee on Appropriations I have based my recommendations upon my judgment and belief that so far as Mr. Woods's services to the House Commission was concerned he is entitled to all that we are proposing to give him and even more.

Now, the question of whether the Senate Commission considers that he is entitled to the additional amount on account of superintending the construction of that building is a matter for the Senate Commission to determine, and if they recommend that, in their judgment, he is entitled to compensation, then the matter of his aggregate compensation will be a matter of legitimate conference between the two Houses of Congress. I do not think we ought to preclude or attempt to preclude the Senate Commission from expressing its judgment regarding the question of whether or not Mr. Woods is entitled to any additional compensation above the salary which was paid him for other duties and in performing the services which he did for that commission, and I trust the gentleman——

Mr. COX of Indiana. Mr. Chairman, considerable time has already been taken up in the discussion of this item. There is no dispute between the chairman of this committee and myself in regard to the ability of Mr. Woods. We all agree he is competent and qualified to fill this important position. We all agree that he is able, efficient, and a wise public official; but I do not agree with the chairman of this committee that we must all the time place a premium upon efficiency.

Mr. TAWNEY. Well, if the gentleman from Indiana will pardon me, I am not recommending this appropriation as a premium on efficiency, but as a legitimate compensation for services imposed upon a faithful public official upon whom we had no right to impose them under his statutory employment.

Mr. COX of Indiana. I will agree also that the gentleman saved the Government a good deal of money, but when he did that he did nothing in the world but what his plain, positive duty as a public servant demanded he should do. That is all he did; that is all he was entitled to; and in response to the last proposition stated by the gentleman from Minnesota, that there was an additional burden imposed upon this man in supervising a public building, a complete answer to that is that he was ready and willing to assume the additional burden because drawing his salary at the time, and there is not a word of testimony or any statement made here this evening that he ever demurred or objected for one moment when this additional burden was imposed upon him, but he voluntarily entered upon the additional work, whatever that may be. I have heard the argument made here time and time again that because one public official has done this and another public official has done that, and one public official has brought about some particular economy, for that reason, and that alone, we ought to increase his salary. I object to such legislation as that. And until the chairman of the committee produces the law upon which he contends he is able to hang this appropriation, I insist upon my point of order, and I do it very largely upon the proposition that no assurance is given by the chairman of the committee that this amount will be final. And when it goes to the other end of the Capitol it will emerge from there with an addition to this $7,500 put upon it, and we may be called upon to pay $15,000 instead of $7,500.

Mr. SIMS. Mr. Chairman, will the gentleman withhold his point of order for a moment? This gentleman, Mr. Woods, is peculiarly the servant of this House. He has pride in Congress and in the work of this body and in the success of its undertakings, and I think it is much safer to remunerate this sort of a man than if this legislative body always depended entirely upon the appointees in the executive departments.

I want to say that I believe it would be a wise thing if there was an assistant engineer, or a man having the capacity of an engineer, to be employed by this House to assist the District Committee in its legislation for the improvement of streets and for other permanent improvements in the city of Washington, as an offset against the influence that Executive power has over its own appointees. I think this is something more than a mere personal compliment to Mr. Woods. I think we ought to rely on our own servants and use them as much as we can. Mr. Woods would have, the same as any other man, the pride of having his name connected with this great building, and would perhaps regard that as compensation enough, but I think it is absolutely niggardly on our part not to give him something. I think there is a higher consideration than any contract that can be made. Let us have more of this thing done hereafter, instead of employing experts outside of this House, who have no pride in the success of the economies that may be attempted by this House. I hope my friend from Indiana [Mr. Cox] will not insist on his point of order.

Mr. DAWSON. I would like to ask the gentleman from Indiana [Mr. Cox] a question.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota [Mr. TAWNEY] in what volume and on what page in the statutes this provision allowing compensation to Mr. Woods can be found?

Mr. TAWNEY. It is to be found in the sundry civil act approved March 6, 1905, page 30.

The CHAIRMAN. Under what subtitle?

Mr. TAWNEY. It is under the head of the "Department of the Interior—Public Buildings." The proviso reads as follows:

Provided, That any clerk or other employee designated by the commission on the Senate Office Building or the House Office Building, or the joint commission on the Capitol extension, respectively, and who may now be receiving a salary from the Government, shall be paid from the date of his appointment such compensation as may be fixed by the respective commissions, not to exceed $1,000 per annum in any case.

The CHAIRMAN. The Chair will inquire whether the amount of $7,500 was fixed by the commission as compensation for Mr. Woods?

Mr. TAWNEY. Seven thousand five hundred dollars was the amount fixed by the commission, as shown by the letter, which I read a moment ago, addressed to the chairman of the Committee on Appropriations and signed by the two members of the House Office Building Commission.

Mr. COX of Indiana. What is the amount stated in the law?

The CHAIRMAN. Is that amount in excess of the sum of $1,000 per annum?

Mr. TAWNEY. No; it is not.

The CHAIRMAN. Will the gentleman please send to the Chair a copy of the sundry civil act from which he has just read?

Mr. TAWNEY. I will say, Mr. Chairman, that the services have extended over a period of eight years.

The CHAIRMAN. The Chair finds in the sundry civil appropriation bill approved March 3, 1905, the following proviso:

Provided, That any clerk or other employee designated by the commission on the Senate Office Building or the House Office Building, or the joint commission on the Capitol extension, respectively, and who may now be receiving a salary from the Government, shall be paid from the date of his appointment such compensation as may be fixed by the respective commissions, not to exceed $1,000 per annum in any case.

The Chair understands from the statement of the gentleman from Minnesota [Mr. TAWNEY] that Mr. Woods's services have extended over a period of eight years, and that the Commission on the House Office Building has recommended that he be paid $7,500. In view of that, the Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

To pay J. C. Courts compensation for services as secretary of the House Office Building Commission since its creation in 1903, as authorized by the act approved March 3, 1905, $2,500.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word there.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. COX of Indiana. I want to ask for a little information. I want to ask whether Mr. Courts is the secretary of this commission?

Mr. TAWNEY. Mr. Courts was appointed as the secretary to the commission at the beginning of its organization.

Mr. COX of Indiana. Is this the first money he has drawn as secretary to the commission?

Mr. TAWNEY. He has not drawn a dollar as secretary of that commission from the time of his appointment.

Mr. COX of Indiana. I am sure that so far as this branch of the Capitol is concerned, that is all that Col. Courts will ever ask.

Mr. TAWNEY. I want to say, however, to the gentleman from Indiana, that the detail work in connection with this commission has been done, and much of its responsibility has been borne by Mr. Woods and by the clerk of that commission, Mr. Courts.

Mr. COX of Indiana. I want to say in response to that, that while I do not know Mr. Woods personally, I do not know that a more efficient, more absolutely honest, and more capable public servant can be found around this Capitol than Mr. Courts. [Applause.]

Mr. MANN. They are two of a kind. [Applause.]

Mr. COX of Indiana. I am glad to know that they are two of a kind. If Mr. Woods gets his, I am glad to see Mr. Courts get his also. [Applause.]

The Clerk read as follows:

To reimburse the State of Idaho, as provided in the act approved August 18, 1894, for moneys advanced by said State to the United States, under provisions of said act, to secure the survey of lands granted to said State with a view to satisfying the public land grant made by the act admitting the State into the Union, as per certificates covering deposits to the credit of the Treasurer of the United States as fully set forth in House Document No. 1402 of this session, $8,004.

Mr. MANN. Mr. Chairman, I move to strike out the last word on page 48 for the purpose of eliciting a little information. This is a suspicious-looking item—the item to reimburse the State of Idaho. I can not see any reason for it. I would like to have somebody explain it.

Mr. HAMER. Mr. Chairman, I would be very glad to be enlightened on this question myself. I would like to know the cause of the gentleman's suspicion. I do not see anything at all suspicious about the item. It is self-explanatory. [Applause.]

As a matter of fact, Mr. Chairman, this is simply to reimburse the State of Idaho for money advanced under the law from time to time for the survey of public lands belonging to the State.

Mr. FITZGERALD. Are those the surveys we have been doing over and over again ever since we began making them? [Laughter.]

Mr. MANN. Is it not rather unusual for a State to advance money to the United States?

Mr. HAMER. No; it is not unusual out in Idaho. The State of Idaho has done it heretofore, and it has always been reimbursed for it heretofore, and we hope to be reimbursed for this item now.

Mr. MANN. Will the gentlman tell us what it is for?

Mr. HAMER. I will tell the gentleman from Illinois what it is for. The State is obliged to make these advances for the survey.

Mr. MANN. How does it happen that the United States discriminates against the State of Idaho? The State of Idaho perhaps is more liberal than the other States. The other States do not advance money to the United States.

Mr. HUGHES of New Jersey. Does the gentleman make the point that that is an improper advance on the part of the State of Idaho?

Mr. HAMER. Mr. Chairman, I have already explained the status of it. That is the situation. [Applause.]

The Clerk read as follows:

MERIDIAN HILL PARK.

Condemnation of land for park purposes in the District of Columbia included between Euclid Street, Columbia Avenue or Fifteenth Street, W Street or Florida Avenue, and Sixteenth Street extended, in Hall & Elvan's subdivision of Meridian Hill: To enable the Secretary of the Interior to carry into effect the provisions of section 36 of an act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," $490,000, or so much thereof as may be necessary; one-half of which sum, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States, as required in said section 36, out of the revenues of the District of Columbia, in four equal annual installments, beginning with the fiscal year 1912, with interest at the rate of 3 per cent per annum upon the deferred payments.

Mr. STAFFORD. I reserve a point of order on the paragraph just read. I should like to inquire of the chairman of the committee what is the purpose of including this item in the general deficiency bill? I find nothing in the hearings referring to this park.

Mr. TAWNEY. Meridian Hill Park was authorized in the public-buildings act of 1910.

Mr. STAFFORD. Has the purchase of this land been authorized in the public-buildings act?

Mr. TAWNEY. Yes; it was authorized in the public-buildings act of 1910, and the condemnation proceedings are now underway.

Mr. STAFFORD. I did not find anything in the hearings in relation to it, and I thought it was new legislation.

Mr. TAWNEY. There was an estimate submitted for it, but there were no hearings had. It is within the limit of cost, and condemnation proceedings under the direction of the Secretary of the Interior are in progress.

Mr. STAFFORD. I withdraw the point of order.

Mr. MANN. I renew the point of order.

Mr. BARTHOLDT. Mr. Chairman, I do not think this paragraph is subject to a point of order, because the appropriation is authorized in the public-buildings act passed during the last session of Congress, and is based upon that authorization. I want to say, upon the merits of this proposition, that it is one of the most meritorious park projects in this city.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States, the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General; to be expended under the direction of the Attorney General, $25,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 53, in line 15, strike out the words "twenty-five" and insert in lieu thereof the words "forty-five."

Mr. TAWNEY. I will say to the gentleman from Indiana that the Attorney General informed me this afternoon that $25,000, the amount which the committee has recommended, will be insufficient to meet the requirements of this service during the remainder of this fiscal year, and that unless a sufficient amount is allowed, they will have to lay off some of the force.

Mr. COX of Indiana. What is the additional amount?

Mr. TAWNEY. Twenty thousand dollars.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

General expenses, Forest Service: To supply a deficiency in the appropriation "General expenses, Forest Service," including each and every object authorized by law and specified in the appropriation of $4,672,900 under this title in the "Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911," approved May 26, 1910, $900,000.

Mr. TAYLOR of Colorado. I should like to inquire of some one why this large deficiency, $900,000, has occurred in the Forest Service, and where the amount has gone to? Some one near me suggests that it has gone up in smoke.

Mr. TAWNEY. Most of it has gone up in smoke, and the remainder of it has gone into the graves of the men who sacrificed their lives in fighting forest fires last summer.

Mr. TAYLOR of Colorado. Do I understand that all of this $900,000 has been expended?

Mr. TAWNEY. All has been expended, and this amount is due entirely to the expenses incident to the fighting of forest fires last summer, which the gentleman from Colorado knows were excessive.

Mr. TAYLOR of Colorado. I understand that fully, and I wish to inquire if this amount has all been accounted for, and turned in?

Mr. TAWNEY. All has been accounted for, and the gentleman will find in the hearings an itemized statement of the expenditures, which statement was furnished by the Agricultural Department.

The Clerk read as follows:

For the payment of all necessary expenses involved in the interment of the bodies of men who were killed while in the employment of the Department of Agriculture fighting fires on the national forests prior to December 1, 1910, and for the relief of their dependent relatives, also for the hospital services and medical attendance of the injured men; this appropriation to continue available during the fiscal year 1912, and all payments therefrom to be made by the Secretary of the Treasury upon the recommendation of the Secretary of Agriculture and to be supported by evidence satisfactory to both of them, $15,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph in order to ask the gentleman, the chairman of the committee, a question. This involves the payment of necessary expenses involved in the interment of the bodies of men who were killed while fighting fires in the National Forests. Of course there is no objection to that, but there is this further provision, "and for the relief of their dependent relatives." I suppose there is an estimate and statement of what this item is to be expended for. How much is it proposed shall be paid to the dependent relatives of any one person?

Mr. TAWNEY. The Secretary of Agriculture, who appeared before the Committee on Appropriations, was asked that question by members of the committee, and he was not able to give a specific statement in each case for the reason that the Secretary said that the department would have to be governed somewhat by the circumstances of the dependent widow and children. He said:

They were temporary employees engaged in fighting fires, and they were caught in the fire which was the most injurious and dangerous of all. These men were buried where we found them, and we want to bring them out and put them at the permanent rangers' stations, with suitable tablets. And then there are a number of very pitiful cases of families left destitute—one woman with five children, absolutely destitute, and there is no way in which we can help her. This sum of $15,000 would be ample, we think, to take care of all the expenses connected with the interment of the dead and to meet such reasonable cases as that of this woman about whom I have just been speaking.

Many of these men who died or were killed in the service, their homes were unknown; they were volunteers and were buried, and when their residence was ascertained it became necessary to reinter them.

Mr. MANN. Nobody is making any point on that part of it.

Mr. TAWNEY. There are only a few cases of complete destitution, and the amount that will be expended under both heads both for the reinterment of those who lost their lives in that service and also for the relief of the destitute widows and children will not exceed $15,000.

Mr. MANN. These widows and children that are left in this case are no more widows and children than the widows and children of other people who have died in the service of the Government.

Mr. TAWNEY. These people were not in the service of the Government. If the gentleman will pardon me, these were men outside of the Government service who voluntarily performed this service and lost their lives. I think there is more of an obligation resting on the Government of the United States to take care of their destitute widows and children when men have sacrificed their lives for the protection of the public property.

Mr. MANN. I do not recognize any distinction between that and an ordinary case of a man who helps a marshal and loses his life—absolutely no distinction. But $15,000 is not a large amount. If this is to be the end of it, no one would except to it; but if this is only the beginning and perhaps $5,000 is to be paid to one estate, it is a different proposition.

Mr. TAWNEY. The number is now ascertained. I do not know that I can state the exact number, nor could the Secretary of Agriculture.

I asked the Secretary of Agriculture this question:

The CHAIRMAN. How much do you propose to pay to the dependent widows and children—have you fixed upon any amount?

Mr. GRAVES. No; we have not.

The CHAIRMAN. You would be governed by circumstances?

Mr. GRAVES. Yes; it would have to be a pretty small amount, because I presume there might be 25 persons who would have relatives that we would consider. Most of them are the floating population that you usually find in a lumber center.

The CHAIRMAN. You want this paragraph so amended as to include the expenses for hospital services and medical attendance?

Mr. GRAVES. Yes, sir. We started a hospital fund; the Red Cross gave us a thousand dollars and we raised among the employees of the Forestry Service some two thousand and odd dollars to meet these expenses, and we have received later accounts which cover about $1,300, and the suggestion was to put those words in so that could be included—those medical services and hospital expenses included in the $15,000, not asking for any more money, but to use that wording in order to enable us to meet that.

Mr. MANN. Is it intended to refund any of the money out of this $15,000?

Mr. TAWNEY. Refund to whom?

Mr. MANN. Refund to these people who contributed it.

Mr. TAWNEY. No.

Mr. MANN. Does the gentleman think it safe to legislate and authorize one of the departments of the Government to pay for the relief of dependent relatives such sum as it pleases out of a lump-sum appropriation? A hard case comes up and no man's heart is sufficient to withstand the pleading. I think that is very poor legislation. The gentleman himself is a stickler and if he is satisfied, all right.

Mr. TAWNEY. I want to say to the gentleman from Illinois, that while I believe as thoroughly as he does that there should be some limitation, yet when we come to inquire into the circumstances we saw how utterly impossible it was to make any limitation. We also saw there was very little danger to the Public Treasury in the absence of the limitation, because of the limited number of people who would be beneficiaries under this provision.

Mr. MANN. Mr. Chairman, I will make this prediction, that if this item goes in and becomes a law some of these people will be paid money and the rest will come to Congress with claims to be paid large sums of money.

Mr. TAWNEY. If that is so, then the administration of the Forestry Service will be at fault, first, for having——

Mr. MANN. I am inclined to think it will be the Committee on Appropriations that will be at fault.

Mr. TAWNEY. First, for having misrepresented the facts to a committee of Congress, and second, not keeping within the limitation which they themselves have voluntarily fixed on this expenditure.

Mr. MANN. Yes; but they will not spend any more money than the $15,000, but people will say "somebody else has been paid more than we," and they will come to Congress, and there is no way of preventing them when you invite them to come. However, I will withdraw the point of order.

The Clerk read as follows:

To enable the Secretary of Agriculture to prepare and exhibit at the international congress for the consideration of questions pertaining to the growing of barley and hops and the manufacture of the products thereof at the city of Chicago, October, 1911, such samples of barley and hops from the collection of the Department of Agriculture heretofore made of said products from different parts of the world and such other articles and material as may be of interest and instructive in connection with the growth or production of articles herein mentioned, and for each and every purpose necessary for and connected with such exhibit, $8,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I reserve the point of order on that, at the request of several gentlemen near me.

The CHAIRMAN. The gentleman from New York reserves the point of order and the gentleman from Pennsylvania offers an amendment. The point of order will have to be disposed of before the amendment is in order.

Mr. MOORE of Pennsylvania. Mr. Chairman, that paragraph proposes to provide for an exhibition in Chicago, of products pertaining to the growing of barley and hops and the manufactures thereof. I would like to ask the chairman of the committee to tell us about these products of barley and hops that are to be exhibited.

Mr. MANN. If it was merely beer the meeting would be in Milwaukee. [Laughter.]

Mr. MOORE of Pennsylvania. I thought perhaps this question might be answered by the gentleman from Minnesota, but as the gentleman from Illinois has put the boot on his own foot, I would like to ask him whether these peculiar products are indigenous to the city of Chicago?

Mr. STAFFORD. Mr. Chairman, as this relates to the beer industry, St. Louis and Milwaukee being rival claimants for that honor, it was decided to locate the exposition at Chicago, convenient to both cities.

Mr. MOORE of Pennsylvania. I am obliged to the gentleman from Wisconsin, whose city has been made famous by these products of the soil, but as one coming from another large city where we know very little about matters of this kind, I should like to know whether this is to be a world-wide exposition or whether it is to apply only to those whose taste for these products is peculiar, as in Milwaukee and St. Louis and Chicago?

Mr. MANN. It will not apply to a deep waterway, I will assure the gentleman.

Mr. MOORE of Pennsylvania. That might account for the popularity of other things than waterways. I would like to find out whether this exposition is to be a general exposition to which the nations of the world are to be invited?

Mr. TAWNEY. It is to be an international exposition, and the nations of the world will participate.

Mr. MOORE, of Pennsylvania. Mr. Chairman, I believe my time has not expired, but I have not yet had an answer to the question I put.

Mr. TAWNEY. The gentleman from Pennsylvania is talking all of the time, and I can not answer. There is to be held in the city of Chicago, during the month of October, I believe of this year, an international exhibition of various cereals or agricultural products, including hops, barley, and barley malt.

I should say also this involves an exhibition of a great many mechanical devices. The Secretary of Agriculture, on the 25th of February, writes the Committee on Appropriations as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 23, 1911.

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives.

DEAR MR. TAWNEY: The Senate Committee on Agriculture and Forestry, I believe, did not include in the agricultural appropriation bill an item of $8,000 for the exhibit of this department at the International Barley, Hop, and Malt Exposition to be held in Chicago, Ill., during the fall of 1911. I think the department ought to be represented at this exposition, and I hope you can see your way to take care of the item of $8,000 for this purpose in the urgent deficiency bill. The department has had this matter under consideration for some time, and as the exposition in question is an important international affair, it seems to me eminently proper that the department be represented. I therefore hope that you will be able to provide for this appropriation of $8,000 in the way suggested.

Very truly, yours, JAMES WILSON, *Secretary.*

Now, Mr. Chairman, the Agricultural Department has collected samples of barley, hops, and other products of a like character from all parts of the world, and they have an exhibit which, I am informed, is a very instructive and a very interesting exhibit, and the purpose in making this appropriation is to enable the Agricultural Department to first select from these products that they have acquired in the Agricultural Department and then transport that selection to this exposition and there make an exhibition of their collection, which has been made from all over the United States.

Mr. MOORE of Pennsylvania. The gentleman assures the House that this exposition will include exhibits of cereals and machinery.

Mr. TAWNEY. Absolutely; that is the purpose of the appropriation.

Mr. SIMS. Mr. Chairman, before the gentleman takes his seat, this is subject to the point of order, I understand.

Mr. TAWNEY. Yes, it is; but I want to say, however, that bill authorizing this has been reported by a committee of the House. That, of course, does not make it in order, but it shows it has been considered by one of the committees of the House and been recommended to the House.

Mr. SIMS. This is an exhibit of barley, hops, and malt—all beer-making materials?

Mr. TAWNEY. They are, I understand; I am not an expert.

Mr. SIMS. If I understand correctly, these barley and malt people are all objecting to Canadian reciprocity.

Mr. STAFFORD. Oh, far from it. I would like to say to the gentleman for his information that, as he well knows, although he comes from a noted prohibition State, in the manufacture of the best beer, which is made in cities that have been made famous throughout the world, it is necessary to have a very high grade of barley. These brewers are engaged at the present time in experimenting with various kinds of barley from Austria and Germany, where the quality of the barley is superior to that grown in this country. The Department of Agriculture is engaged in importing these various kinds of barley and transplanting them in experiment stations, so as to develop a better kind of barley.

Mr. SIMS. Let me ask the gentleman a practical question——

Mr. STAFFORD. This exposition is for the purpose of displaying the different kinds of barley grown and other kindred growths.

Mr. SIMS. Let me ask the gentleman a practical question. Does the gentleman think it will tend to reduce drunkenness to encourage the people to drink beer instead of red liquor?

Mr. STAFFORD. Oh, there is no question about that. In Denmark to-day there is provision made under Government supervision to permit of light beers being sold so as to take away from the people the taste for strong liquor and incline them to the milder beverage. That is also being tried in Sweden, so as to take from the natives the acquired taste for strong liquor. In North Dakota, in that prohibition State, they allow the entrance of mild beverages—beer which contains less than 2 per cent of alcohol, because it is regarded as a temperance beverage. I do not know whether Tennessee is so enlightened, but I hope——

Mr. SIMS. There is no use going to Denmark, the gentleman from Milwaukee ought to be able to answer the question.

Mr. STAFFORD. The gentleman knows there is less drunkenness in Milwaukee than——

Mr. SIMS. Being assured that this exposition is to be held in the interest of sobriety and to promote temperance, I will not make the point of order.

Mr. STAFFORD. I know the gentleman is very liberal and always in favor of temperance and of temperance beverages. [Applause.]

Mr. MONDELL. Mr. Chairman——

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, as I stated when I reserved the point of order, I did so at the request of several gentlemen around me, and especially my colleagues from New York, who thought it might be embarrassing for them with their home constituents if they directly raised the point of order. And since they do not believe in the business of the manufacture and sale of the products of barley malt, and, furthermore, as they believe the people who do the manufacturing can afford to pay the expenses of these expositions themselves, I make the point of order.

Mr. STAFFORD. Will the gentleman withhold his point of order?

Mr. COX of Indiana. Mr. Chairman, I make the point of order.

Mr. STAFFORD. Will the gentleman from Indiana withhold the point of order?

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph:

"For an exhibit by the Department of Agriculture at the International Dry Farming Congress at Colorado Springs, Colo., October, 1911, $10,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. MONDELL. Mr. Chairman, the amendment proposes an appropriation of $10,000 for an exhibit by the Agricultural Department at the dry-farming congress to be held in Colorado Springs, Colo., in October of this year. An exhibit at a wet exposition has just been held subject to a point of order, but I trust that this exhibit, at a dry-farming exposition, will not be held subject to a point of order.

Mr. TAWNEY. Mr. Chairman, I think this House is just as much opposed to things dry as they are opposed to things wet, and I insist on the point of order.

The CHAIRMAN. The Chair is ready to rule. The Department of Agriculture is authorized by the organic act to collect and diffuse information. The Chair does not think that an exhibit comes within either the collection of information or diffusing of information, and therefore sustains the point of order.

Mr. AUSTIN. Mr. Chairman, I think I have drawn an amendment which will escape the point of order.

The CHAIRMAN. Is it a new paragraph?

Mr. AUSTIN. It is a new paragraph.

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph:
"To enable the Secretary of Agriculture to prepare an exhibit at the Appalachian Exposition at Knoxville, Tenn., between October 12 and October 30, 1911, for the consideration of questions pertaining to the conservation of the resources of the Appalachian region, $10,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. AUSTIN. Mr. Chairman, there is no subject that has been of such general interest as that of conservation of our natural resources. A year ago the enterprising city of Knoxville, Tenn., held the first conservation exposition in this country. They did not seek an appropriation at the hands of Congress, or their State legislature, or the city of Knoxville, but the enterprising citizens of that city by private subscription raised more than $100,000. We gave an exposition lasting one month, and during that time more than 300,000 citizens from various parts of the Republic visited the exposition. It was one of the most unique and creditable exhibitions ever held in the South, and especially without national or State aid. We had extensive exhibits of not only the mineral and manufacturing resources, but of the agricultural resources.

No longer is the watchword "Go west," but it points to that matchless section of the South, where opportunities are unlimited, where development is only in its infancy, and where we have inexhaustible deposits of coal, iron, marble, and almost untouched forests of hardwood timber, a genial climate, a climate in which men can be employed in the open more than eight months in the year.

The North and the West have already practically filled up and are overflowing; but this region below us, this great mineral belt from the Virginias to Alabama, has more undeveloped wealth, splendid opportunities for investment, chances for the young and the ambitious and for the investor, than any other region of our great country.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. AUSTIN. Certainly.

Mr. MOORE of Pennsylvania. Would there be a chance in that beautiful country, which the gentleman describes, for an overplus of population such as exists in the large cities of the country?

Mr. AUSTIN. Yes; especially if that overplus is representative of the type of population so finely represented on the floor of this House by the gentleman from Pennsylvania. [Applause.]

Mr. MOORE of Pennsylvania. I expected that [laughter], but will not the gentleman devote his thoughts for a part of the time remaining to him to the opportunities afforded in his country for those who live in the congested centers, who might be more happily and more healthfully employed if they were enabled to take advantage of the opportunities he pictures?

Mr. AUSTIN. The State of Tennessee has a foreign population of less than 3 per cent. We should like to have those good Pennsylvania Dutchmen or their descendants, such as are in part represented by the gentleman, and the Scotchmen and Scotch-Irish, Irish, Swedes, Scandinavians; but we have no use in the Appalachian region for the foreign undesirables of the large cities of the North. If you will give us the industrious, law-abiding, patriotic foreign element, we will not only welcome them, but we will thrice welcome them.

Mr. MOORE of Pennsylvania. The law of this country presumes that no undesirables are admitted to the United States.

Mr. AUSTIN. That is a very violent presumption, in view of the numerous crimes that are being committed every day by the Black Hand Society, for example, even in the heart of New York City.

Mr. MOORE of Pennsylvania. That organization is just as much condemned by people of foreign birth in the congested centers as it is condemned by the gentleman from Tennessee and those whom he represents. There is no place in any of the large cities to-day for men who believe in the Black Hand, for men who draw the dagger, throw the bombs, or do any of those other things that excite the indignation and opprobrium of the gentleman from Tennessee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Chairman, I would like to have two minutes more.

The CHAIRMAN. The gentleman from Tennessee asks to have his time extended two minutes. Is there objection? The Chair hears none.

Mr. AUSTIN. There is not only an attractive unoccupied field for investment in that Appalachian region, but there is also a cordial welcome awaiting every man who wants to improve his condition and who is law-abiding, industrious, and patriotic.

Mr. MOORE of Pennsylvania. People of that kind were the only persons of alien birth to whom I had reference. I would like to see the opportunities which the gentleman presents afforded to those people.

Mr. AUSTIN. Then send them to the Knoxville Appalachian Exposition at Knoxville, Tenn., from October 12, to October 30, and we will send 10,000 mountain men to meet them and give them the best that there is to be had. [Applause.]

Mr. MOORE of Pennsylvania. I have no doubt they will come in no hostile or unfriendly spirit, and will be warmly welcomed by the people to whom the gentleman refers.

Mr. MANN. Mr. Chairman, I make a point of order on this discussion. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR.

BUREAU OF IMMIGRATION AND NATURALIZATION.

Expenses of regulating immigration: For the payment to State institutions for the treatment of aliens deported on or prior to June 30, 1909, under the provisions of section 20 of the act of February 20, 1907 (34 Stats., p. 904), which provides: "That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the immigrant fund," $13,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. I trust, Mr. Speaker, that the gentleman from Minnesota will give me his attention for a moment. This fund of $13,000 is to cover expenses heretofore incurred for the deportation of aliens, is it not?

Mr. TAWNEY. Yes.

Mr. MOORE of Pennsylvania. Reference is made here to the act of February 20, 1907, which pertains to the immigrant fund. That fund has been abolished, has it not?

Mr. TAWNEY. Yes.

Mr. MOORE of Pennsylvania. May I ask the gentleman whether the aliens whose deportation resulted in this item of $13,000 were housed while in custody in buildings belonging to the Government of the United States, or in buildings owned by municipalities, or buildings owned by steamship and railroad companies?

Mr. TAWNEY. They were housed in buildings owned by municipalities and private associations.

Mr. MOORE of Pennsylvania. Is it not a fact that——

Mr. TAWNEY. Has the gentleman any objection to the appropriation?

Mr. MOORE of Pennsylvania. None at all. I merely wanted some light thrown upon this particular paragraph, as well as upon some other items in which I am interested.

Mr. TAWNEY. I think the gentleman has as much light as the committee has.

Mr. MOORE of Pennsylvania. I want to say to the gentleman and to the House, during the few minutes I have left, that it seems to me a pernicious practice to have aliens who are to be deported kept in buildings owned by the companies that have brought them to the United States. I believe that the Government of the United States ought to be fully equipped to take them in custody and retain them until they are deported.

Mr. TAWNEY. None of this money is on account of the housing or the care of aliens in buildings owned by steamship companies. If it was, there would be no necessity to appropriate money for that purpose.

Mr. BENNET of New York. Furthermore, if they could ascertain the steamship company that brought the people to this country, they would have to take them back free and pay one-half the expense of bringing them back to the port and for housing them while they were being detained.

Mr. MOORE of Pennsylvania. The Government is paying $13,000 here, which apparently the steamship companies ought to be made to pay. That is to say, the companies that brought these aliens here, if they are of the undesirable class referred to a moment ago by the gentleman from Tennessee, should send them back.

The point I am making, and it comes home to a number of the ports of this country, is that the Government itself ought to be in a position to take care of these people whom it arrests and keeps in custody, and that they ought not to be left to the care of those who have an interest in letting them go. They

ought to be under the surveillance of the Government of the United States until they are taken away.

Mr. KEIFER. Wherever they are, they are under the control of the Government.

Mr. BENNET of New York. Mr. Chairman, the steamship companies are held responsible by the Government, and they do pay this money; and wherever they can be identified they will pay their part of this $13,000.

Mr. MOORE of Pennsylvania. Does the gentleman mean to say that this $13,000, which the Government is now paying for the deportation of aliens some years ago, will be returned to the Government?

Mr. BENNET of New York. Every dollar of it will be returned to the Government where they can identify the steamship company.

Mr. MOORE of Pennsylvania. How will they be identified?

Mr. BENNET of New York. It is not difficult.

Mr. MOORE of Pennsylvania. How will that $13,000 be charged up to anybody, if the Government pays it?

Mr. BENNET of New York. The law provides that where an alien becomes a public charge within three years, from causes arising prior to landing, that alien shall be deported.

They become public charges, and the Government picks them up on a warrant. If a State incurs expenses on that account, the Government pays the State and then collects from the steamship company.

Mr. MOORE of Pennsylvania. When found.

Mr. BENNET of New York. They are found easily enough. We have manifests reaching back to 1891 which are complete, and the law provides only a three-year limitation. The sums collected in this way reach up, as I recall it, to something like $75,000 a year, which amount is collected from the steamship companies.

Mr. STERLING. I should like to ask the gentleman why it is that these undesirables come ashore? I supposed they were passed on while on shipboard and were not permitted to come ashore at all.

Mr. MOORE of Pennsylvania. I can answer that, if the gentleman from New York will permit me.

Mr. TAWNEY. Probably the gentleman from New York can answer it.

Mr. MOORE of Pennsylvania. I think I can answer it, probably, better than he can. I can give specific instances.

Mr. STAFFORD. Both gentlemen ought to be allowed an opportunity to answer, in order that we may determine whose answer is the better one.

Mr. BENNET of New York. I will say, Mr. Chairman, that with 800,000 or 900,000 people coming in every year it is not strange that once in awhile an undesirable slips through. The deportations under this section amount to about 2,000 cases a year, which is not a very large percentage.

You can not always tell an insane person when he comes through the examining place; you can not always tell a person who has been sick or who has impaired vitality, and they deport them. I am not arithmetician enough to figure out what per cent 2,000 is of 1,000,000, but it is very small, and 2,000 are all that are deported.

Mr. MOORE of Pennsylvania. The 2,000 might account for the so-called undesirables.

Mr. BENNET of New York. Two thousand would go a long way to account for the undesirables. That is one of the injustices of the whole thing. One Italian who sends a Black Hand letter attracts more attention throughout the country than 250,000 Italians who attend to their own business and go out every day to earn a living.

Mr. MOORE of Pennsylvania. Will not the gentleman from New York admit that since the abolition of the immigration fund it has been very difficult to obtain appropriations for immigration stations in the regular way?

Mr. BENNET of New York. Not in New York.

Mr. MOORE of Pennsylvania. I am quite sure not in New York.

The Clerk read as follows:

Additional assistants to clerks of courts in naturalization cases: For additional clerical assistance in naturalization matters for the clerks of the supreme court for Kings County, N. Y., and the supreme court for New York County, N. Y., in addition to the available one-half of the naturalization fees for clerical assistance in such matters during the fiscal year ending June 30, 1911, $2,861.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Under the provisions of existing law, is there anything that requires the Government to pay additional compensation for clerks in the State courts?

Mr. TAWNEY. The law expressly authorizes the appropriation. The amount appropriated for the current fiscal year is not sufficient to meet the requirements of the service.

Mr. STAFFORD. I understand that the law relating to naturalization provided that one-half of the fees should be used in payment of clerical expenses.

Mr. BENNET of New York. If the gentleman will allow me, I will say that that is the law, except in cities where they collect more than $6,000 a year. In cities where they collect less the clerks get the fees. In cities where they get more the clerks only get one-half of the $6,000. Above that amount the Government may authorize the hiring of additional clerical assistance, to be paid for out of the sum not to exceed the full value. The large cities are discriminated against to the extent that the clerk of courts only receive one-half of the $6,000.

Mr. STAFFORD. How much is appropriated for excess services of this character in New York City?

Mr. CALDER. The amount appropriated for this year, including one-half of the first $6,000, amounts to $19,618. It is estimated that the collections of these two courts this year will amount to $54,000, so the Government will have a profit of $34,000.

Mr. BENNET of New York. It is a profitable business for the Government.

The pro forma amendment was withdrawn.

OUT OF THE POSTAL REVENUES.

GREATER NEW YORK LETTER CARRIERS.

To pay the claims of Greater New York letter carriers for additional salary under section 2 of the act of January 3, 1887 (24 Stat., 355), the decision of the Court of Claims and the decisions of the Auditor for the Post Office Department and Comptroller of the Treasury, being the unpaid portions chargeable to the fiscal year 1908 and prior years, the appropriations therefor having been exhausted or carried to the surplus fund, said claims being fully set forth in House Document No. 1361 of the present session of Congress, $78,857.45.

Mr. STAFFORD. Mr. Chairman, I make a point of order to that paragraph.

Mr. COCKS of New York. I hope the gentleman will reserve it.

Mr. STAFFORD. The hour is getting late, and I understand the chairman of the committee is anxious to finish the bill.

Mr. FITZGERALD. It is not subject to a point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. COCKS of New York. Mr. Chairman, this has been properly allowed by the accounting officers. It arises from the fact that when Greater New York was established these various post offices were taken within the city. The clerks and carriers thought they were entitled to, and it has been decided that they were entitled to, the pay of first-class offices. That was denied them for several years, but since 1908 they have received the additional pay. These claims have been audited and allowed, and I think the chairman of the committee, Mr. TAWNEY, has a letter from the Secretary on the subject.

Mr. TAWNEY. The points of order having been made, I desire to say that these are audited claims. They have been considered by the Auditor of the Post Office Department, and I have here a letter from the Secretary of the Treasury saying that these claims have been referred to Congress under the provisions of section 2 of the act of July 7, 1884. I was in doubt for several days as to whether the claims referred to in this document were audited claims, but after receiving this letter from the Secretary of the Treasury and reexamining the claims and the report, I find that they are as much an audited account as any of the audited accounts carried in the general deficiency appropriation bill, and are therefore in order.

Mr. STAFFORD. Mr. Chairman, there is nothing in this provision of the claim sought to be recovered to distinguish it from any other claim of any other employee of the Government.

The CHAIRMAN. They have been audited.

Mr. STAFFORD. I grant that.

The CHAIRMAN. Then the Chair overrules the point of order, and the Clerk will read.

The Clerk read as follows:

LEGISLATIVE.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which was offered to-day when the bill was read, to follow line 3, after the word "legislative."

The Clerk read as follows:

Page 51, after the word "legislative," insert:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1911, including the Capitol police, official reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the third session of the Sixty-first Congress a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

In all, $14,388.84.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I assume this is a matter of personal privilege and that under the rules I could present it as such. We have just passed the item carrying $14,388.84 to pay the expenses of contested elections. Those who have had contests understand the difficulties that confront the sitting Member. Those difficulties in the earlier part of this session confronted me. A contest was entered against me, so that I now know what it means to men whose seats in this House are subjected to contest. I question whether there ought not to be a revision of the law with regard to contests. It is a very annoying proposition for a man elected to this House, and coming here in good faith to represent his constituents, to be harassed and annoyed by anyone who cares to open proceedings and embarrass his work during practically the whole of his term.

It happens that this House provides the means by which contests are encouraged and conducted. Perhaps this is wrong. Some day, when a sufficient number of Members of the House, unjustly accused, may have this experience, the House may see it in that light. I do not care to pursue this matter at this time further than to say that although allowances have been made here, and very properly so, under the law, there are contests instituted against Members which in some instances are wholly unjustifiable and should not be encouraged by the hope or inducement of an appropriation from this House.

In my own case, elected over the contestant by nearly 17,000 majority, I find now, after having employed an attorney and prepared myself for a defense in the usual way, as every other sitting Member must whose seat is contested—after all this has been done, notice comes to me that the contest is withdrawn.

Mr. MANN. Is not the gentleman glad of it?

Mr. MOORE of Pennsylvania. This letter of withdrawal I now send to the desk to be read.

The CHAIRMAN. Without objection, the letter will be read in the gentleman's time.

There was no objection, and the Clerk read as follows:

JANUARY 20, 1911.

MURDOCH KENDRICK, Esq.,
1420 Chestnut Street.

DEAR SIR: J. G. Ramsdell, Esq., the contestant for the seat of J. HAMPTON MOORE, Esq., in the third congressional district, has decided to discontinue the contest. There will, therefore, be no further proceedings taken in this matter.

Yours, respectfully, PIERCE ARCHER, Jr.

Mr. MOORE of Pennsylvania. It seems to me that this letter should be a matter of record. I submit it for that purpose only. I hope now to remain in this House during the incoming administration for two years, and to do the best I can for those who sent me here.

Mr. STURGISS. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, following line 19, on page 62:

"To Richard Randolph McMahon, for legal services as of counsel to the Members of the House of Representatives of the Joint Committee on Printing in a suit at law, No. 52342, Valley Paper Co., plaintiff, *v.* The Joint Committee on Printing of Congress, respondents, in the supreme court of the District of Columbia, in February, 1910, $500."

Mr. MANN. Mr. Chairman, on that I make the point of order.

Mr. STURGISS. Mr. Chairman, the same point of order was made at the last session of Congress, overruled by the Chair, and an appeal was taken from that ruling of the Chair on that proposition, and the House sustained the ruling of the Chair. The question was raised whether or not it was founded upon law. The Members of the House have not forgotten the controversy that arose last year. The joint committee composed of the Printing Committee of this House and the corresponding committee of the Senate was sued because they had awarded certain contracts.

The CHAIRMAN. Unless some gentleman desires to be heard on the other side, the Chair is ready to rule.

Mr. STURGISS. Will the Chairman permit me to refer him to the ruling in the House?

The CHAIRMAN. The Chair has the ruling here.

Mr. STURGISS. Then I have nothing further to say.

The CHAIRMAN. On June 17, 1910, it was held by the Chairman of the Whole House on the state of the Union, Mr. TILSON, that a resolution authorizing certain Members to appear and act in response to a rule of a court was sufficient authorization for an appropriation in a general appropriation bill for their counsel. From that decision an appeal was taken and the Chair was sustained without division. The Chair, therefore, overrules the point of order. The question is on agreeing to the amendment.

Mr. TAWNEY. Do I understand the Chair to hold this amendment is in order, according to the ruling——

The CHAIRMAN. The Chair holds that, in accordance with the ruling made last year on exactly the same proposition, and from which ruling an appeal was taken, and the Chair was sustained without division, and upon that decision the Chair overrules the point of order.

Mr. MANN. Mr. Chairman, the question of fact may be mistaken. I was under the impression that the ruling last year was that the committee had authority to employ counsel. I think there is no pretense that the committee employed this counsel.

The CHAIRMAN. No; the ruling last year was that the resolution authorizing certain Members to appear and act in response to a ruling of a court was held to be sufficient authorization for an appropriation in a general appropriation bill for their counsel.

Mr. GARRETT. Mr. Chairman, was there any authorization for the employment of this counsel?

The CHAIRMAN. That is a question the Chair can not pass upon.

Mr. GARRETT. It is not presented in the amendment here.

The CHAIRMAN. The amendment, as the Chair understands, is identical with the amendment offered last year. The question is on agreeing to the amendment.

Mr. TAWNEY. Mr. Chairman, I trust the amendment will not be agreed to. This matter was discussed on a previous occasion, and the two members on printing of the committee of the House disavowed having ever authorized the employment of this man. The Member at whose instance he was employed claimed that he had employed him on his own motion. This proposition was rejected once before, and I hope it will be rejected again.

Mr. STURGISS. Mr. Chairman, I beg to refresh the memory of Members of the House, especially of the gentleman from Illinois, by reference to the RECORD. It clearly appears that this gentleman appeared as cocounsel, with the authority of the other members of the committee. It was true in the first instance he was called in at my suggestion, and the reasons are fully set out in the RECORD, and I do not want to rehash the matter. This House allowed $500 at that time, over an appeal on the point of order, after a full discussion, after this House, through its Judiciary Committee, had spent a whole day and part of a night discussing the matter, and directed its committee to appear and enter an appearance and make a proper defense.

They did so and they won out on the case and the House allowed $1,000 to Hamilton & Yerkes, and $500 to Col. McMahon, but at no time had Col. McMahon failed to discharge his duties in consultation with the other attorneys. That appropriation went to the Senate and there, as you will recall, the Senate having refused to employ counsel or to make an appearance, Senator SMOOT, chairman of the joint committee, upon a letter filed by Hamilton & Yerkes repudiating the amount you had allowed them, of $1,000, because you had not allowed $5,000, Senator SMOOT moved to strike out the item which was to pay $1,000 to Hamilton & Yerkes and $500 for Col. McMahon. This House by an overwhelming vote awarded that amount to the senior attorneys who were in the case and who did not do more work in proportion than Col. McMahon, but they repudiated the action of the House because you did not allow them $5,000, and they would not accept $1,000.

The letter is here in the record. And, acting upon that, the bill went to a committee of conference; and through some influence—and I do not mean any reflection—but through some misapprehension or misstatement, the whole item was rejected. Now, so far as Col. McMahon is concerned, he is entitled to the sum of $500. He rendered the service; he appeared in court on some seven or eight different days; he appeared in consultation, without objection, with the other attorneys; and he never at any time said he was in the case simply for advertising purposes and that he would charge nothing. The gentleman from Wisconsin [Mr. STAFFORD] asked me if he did not agree not to charge anything. I have McMahon's letter, and I asked him personally about it, and he said that never at any time did he make any such statement to any person.

Mr. STAFFORD. The gentleman has called me into the controversy. Will the gentleman yield for a question?

Mr. STURGISS. Certainly.

Mr. STAFFORD. I understood, when I asked the gentleman the question a year ago, that this gentleman from West Virginia

proffered his services and made no claim that he was to make any charge whatsoever for those services, and he led the other members of the Committee on Printing to believe that this would be a voluntary act for the sole purpose of giving him notoriety in the discharge of this work.

Mr. STURGISS. I beg the gentleman's pardon. No member of the committee has made any such statement at any time, neither the chairman nor any member. As to the assertion that he voluntarily appeared for the sake of the reputation it might give him, I have here a copy of the letter I wrote him asking him to appear in the case, and in pursuance of that he met co-counsel, and he met the other members of the committee in consultation, and did his work, and did it well. I only ask that the House maintain its action of a year ago. The amount of the compensation is very reasonable.

My good friend from Illinois [Mr. MANN] himself, in his remarks upon that subject, said that it was a very reasonable compensation.

Mr. GARRETT. Did the gentleman ask him to appear on authority from the committee?

Mr. STURGISS. With just as much authority as any member of the committee asked the other counsel to appear, though he appeared first at my suggestion, but in cooperation with the other counsel, and with their approval, or, at least, without the objection of either counsel or of the other members of the committee.

Mr. GARRETT. Yes; but I want to ask the gentleman, Did the committee employ him, or was it the personal act of the gentleman from West Virginia?

Mr. STURGISS. It was my personal act in the first instance, but, as I say, he was present with the committee, and they acquiesced, and they had the benefit of his service.

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. Mr. Chairman, the House after a long discussion fixed the payment of $1,000 for the real counsel in the case. I thought the amount was large enough at that time, but the House determined after discussion to fix the counsel fees at $1,000 for the men who tried the case and who did the work; and to pay this man who butted in $500, and not pay the other, seems to be a very queer proposition for us.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Hereafter the payments made from the contingent fund of the House of Representatives upon vouchers approved by the Committee on Accounts shall be deemed, held, and taken, and are hereby declared, to be conclusive upon all the departments and officers of the Government.

Mr. MANN. Mr. Chairman, I make a point of order on the paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. O'CONNELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 63, after line 3, insert the following:
"For compiler and indexer of reports and hearing of House standing and select committees (William Tyler Page), under the direction of the Committee on Accounts, and for such other duties as the committee may require, at the rate of $4,000 per annum, from March 4, 1911, to June 30, 1912, inclusive, $5,300."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that.

Mr. O'CONNELL. Mr. Chairman, I ask the gentleman to reserve the point of order.

Mr. FITZGERALD. I prefer not to do so.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COX of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting the following after line 5, page 63:
"To pay Edwin L. Williams, clerk to Committee on the Post Office and Post Roads, additional compensation, $500."

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I reserve a point of order.

Mr. MANN. I make the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes the point of order. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

To pay Robert W. Dyer, clerk to the Committee on the Public Lands, additional compensation, $500.

Mr. COX of Indiana. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph. The Chair sustains the point of order.

The Clerk read as follows:

To pay George Jennison, special messenger, as additional compensation, $200.

Mr. COX of Indiana. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To pay R. B. Horton for services rendered the Committee on Insular Affairs $250.

Mr. COX of Indiana. Mr. Chairman, I make the point of order on that item.

The CHAIRMAN. The gentleman from Indiana makes the point of order on that item. The Chair sustains the point of order.

The Clerk read as follows:

For expert, clerical, and stenographic services, to be disbursed by the Clerk of the House on vouchers approved by Representative OSCAR W. UNDERWOOD, and to continue available during the fiscal year 1912, $7,500.

Mr. MANN. Mr. Chairman, I reserve the point of order on that. [Laughter.]

The CHAIRMAN. The gentleman from Illinois reserves the point of order on the item.

Mr. MANN. I did not give the gentleman from Indiana a chance to make the point of order. [Laughter.]

I would like to ask, Mr. Chairman, if the purpose of this is to permit the expected members of the Democratic Ways and Means Committee to go ahead with their tariff hearings?

Mr. TAWNEY. I will say that this provision was prepared and placed in the bill at the request of the prospective chairman of the next Ways and Means Committee of the next House of Representatives.

Mr. MANN. Does not the gentleman think that the limitation of time ought to be only until the next House of Representatives meets?

Mr. TAWNEY. Well, no, I do not, for the reason that——

Mr. MANN. This is to continue available through the fiscal year 1912. That is, after the end of the next regular session of Congress?

Mr. CLARK of Missouri. That ought to be available during all that time.

Mr. MANN. But you will be in possession of the House——

Mr. CLARK of Missouri. That is all true, but——

Mr. MANN. And you will have control of the contingent fund of the House.

Mr. CLARK of Missouri. Well, just so that we get it, we do not care where we get it. [Laughter.]

Mr. MANN. Understand, I am in favor of giving the gentleman the money.

Mr. CLARK of Missouri. This is the situation: When they were preparing the Payne tariff bill all that Mr. PAYNE had to do was to make a requisition on the departments over here in order to get all the assistants he wanted to make any kind of an investigation under heaven. He relied on those men. Mr. UNDERWOOD wants these experts, so that he can rely on these people. I think he ought to have them, and every man who has served on the Ways and Means Committee knows how much services of that kind are needed.

Mr. MANN. I know that everybody concedes that the Ways and Means Committee ought to have the opportunity to go ahead, and if the gentleman believes these employees are needed, they ought to be paid, and they ought to be paid out of the Public Treasury. But is it fair to Mr. UNDERWOOD himself to give him a sum of $7,500 to spend at his will during the next session of Congress?

Mr. FITZGERALD. Mr. Chairman, perhaps I ought to state that the amount fixed here was based on the statement of the gentleman from Alabama [Mr. UNDERWOOD] as to the number of experts and clerks he desired and the compensation to be paid each of them per month, and it made up the sum of $7,500.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

To pay M. C. Shield additional compensation for services during the Sixty-first Congress, $600.

Mr. COX of Indiana. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To reimburse the official reporters of debates and the stenographers to committees on the rolls on February 22, 1911, for moneys actually expended by them for clerical assistance and for extra clerical services during the third session of the Sixty-first Congress, $750 each; to Mrs. Elizabeth Welch, widow of A. C. Welch, $500; and to John J. Cameron, $240; in all, $7,490.

Mr. COX of Indiana. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The gentleman from Indiana makes the point of order on the paragraph.

Mr. TAWNEY. Mr. Chairman, it may suit the gentleman from Indiana to retaliate upon the gentleman from Illinois for not allowing him to make the point of order on that other item first [laughter], but——

Mr. COX of Indiana. I did not retaliate.

Mr. TAWNEY. You did not need to make that statement. Everybody understood it.

Mr. COX of Indiana. The gentleman should not say that.

Mr. TAWNEY. This, Mr. Chairman, is a provision that has been carried in this bill from time immemorial, to remburse the official reporters of the House for their expenses in the transcription of their notes, by people employed for that purpose, whom they pay out of their own pockets. It has been the uniform practice of the House to reimburse them. All of the employees in the offices of the official reporters downstairs are employed at the expense of the official reporters, and it would be impossible for them to perform the service they do without this assistance.

Mr. COX of Indiana. If the gentleman will yield to let me ask a question, I think we can come to terms about it.

Mr. TAWNEY. I desire to complete my statement.

Mr. COX of Indiana. I will insist on my point of order unless the gentleman yields for a question.

Mr. TAWNEY. What is the gentleman's question?

Mr. COX of Indiana. Does the gentleman say that the reporters mentioned in this paragraph have actually paid this money out of their own pockets?

Mr. TAWNEY. Yes; I do.

Mr. COX of Indiana. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

To pay George B. Serenbetz, J. B. Holloway, and Marie G. Potter $600 each, additional compensation for services rendered the Committee on War Claims and the Committee on Claims, respectively, $1,800.

Mr. COX of Indiana. I make a point of order on that.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

To pay James A. Gassaway for services as a laborer in the offices of the Chief Clerk, the disbursing clerk, and in the stationery room from August 6 to December 6, 1909, $150.

Mr. COX of Indiana. I make a point of order on that.

Mr. COOPER of Pennsylvania. I desire to ask whether these are session or annual employees? If they are session employees, it seems to me the point of order ought not to lie.

The CHAIRMAN. It matters not in this particular case whether they are session or annual employees. The Chair sustains the point of order.

The Clerk read as follows:

To pay Joseph B. Sparks for extra services rendered during the Sixty-first Congress, $87.50.

Mr. COX of Indiana. I make a point of order on that, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph, and the Chair sustains the point of order.

The Clerk read as follows:

To pay to E. R. Ernst additional compensation for extra services rendered during the Sixty-first Congress, $200.

Mr. COX of Indiana. I make a point of order on that.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph. The Chair sustains the point of order.

The Clerk read as follows:

For compensation at the rate of $1,200 per annum each for the services of Marshall Pickering and Charles L. Williams, respectively, as special messengers in the majority and minority caucus rooms.

Mr. O'CONNELL. I make the point of order against that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay Dio W. Dunham for extra services rendered during the Sixty-first Congress, $300.

Mr. COX of Indiana. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay N. T. Hynson, clerk to the Committee on Expenditures in the Navy Department, additional compensation, $500.

Mr. COX of Indiana. I make a point of order on that.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph. The Chair sustains the point of order.

The Clerk read as follows:

To pay W. H. Estey, cashier in the office of the Sergeant at Arms, $850.

Mr. COX of Indiana. I make a point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay J. C. Stewart for caring for and regulating the House chronometer, $100.

Mr. COX of Indiana. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay Edward S. Glavis, clerk to the Committee on Expenditures in the Department of Agriculture, additional compensation, $500.

Mr. COX of Indiana. I make a point of order on that.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph. The Chair sustains the point of order.

The Clerk read as follows:

To pay Charles S. Greenwood, clerk to the Committee on Expenditures in the Treasury Department, additional compensation, $500.

Mr. COX of Indiana. I make the point of order on that.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For indexing and typewriting services, at $75 per month from March 4, 1911, to June 30, 1912, to continue the compilation of laws, etc., relating to the employees, duties, and compensation of employees of the House of Representatives and matter pertaining to the disbursement of the contingent fund authorized by resolution of March 10, 1910, $1,400.

Mr. COX of Indiana. Mr. Chairman, to that I reserve a point of order. I want to ask the chairman of the committee in charge of the bill whether there is authority for the appropriation?

Mr. TAWNEY. There is; the authority is found in the resolution of March, 1910.

Mr. MANN. May I ask the gentleman in charge of the bill a question?

Mr. TAWNEY. Certainly.

Mr. MANN. There seems to be $75 a month for the compilations of laws and matter pertaining to the disbursement of the contingent fund of the House. I suppose this has been running some time. It is rare to find anybody on the floor of the House that knows anything about the law relating to the disbursement of the contingent fund, and even the Committee on Accounts is sometimes troubled to get at them. If we have had a committee working a year compiling the laws, for the Lord's sake, how long will it take to complete it? These laws can not be more than four or five pages in length.

Mr. TAWNEY. I think if the gentleman will consult the members of the Committee on Accounts he will find that there has been a very complete compilation of these laws. I do not think, however, that the gentleman has taken the trouble to inquire whether anything has been done or not. The authority for the appropriation is found in the following resolution:

[Sixty-first Congress, second session.]

Resolved, That there shall be paid out of the contingent fund of the House, to continue from the close of the Sixtieth Congress, the compilation of laws, decisions, tabular statements, and debates, pursuant to the act of March 3, 1901, relative to the employment, duties, and compensation of the employees of the House of Representatives, to which shall be added matter pertaining to the disbursement of the contingent fund of the House, for stenographic and typewriting services, not exceeding the rate of $75 per month, authorized by House resolution adopted January 10, 1908.

I am informed by the Committee on Accounts that this expenditure has not been made to any clerk or employee of any committee, but has been expended for clerical services in doing the work.

Mr. MANN. Of course the resolution which the gentleman has read is not a sufficient basis for this item.

Mr. DAWSON. If the gentleman will allow me, the work has progressed from the beginning of the Government down, I think, to about the Fifty-seventh or Fifty-eighth Congress.

Mr. MANN. Then why can we not get the information?

Mr. DAWSON. Because it is not completed.

Mr. TAWNEY. Has the gentleman from Illinois tried to get it?

Mr. MANN. I have tried to get it, but have been unable to.

Mr. DAWSON. I will state that the preparation of this set of volumes, which will be about two in number, requires very careful examination of the statutes, together with the decisions of the comptroller. I understand it was the gentleman from Indiana that wanted the information.

Mr. COX of Indiana. I wanted to know if there was any authority of law to make the appropriation?

Mr. DAWSON. The chairman of the committee has cited the law and I was undertaking to explain the progress of the work, and its present condition.

Mr. COX of Indiana. Mr. Chairman, I make the point of order.

The CHAIRMAN (Mr. KENDALL). The Chair overrules the point of order.

Mr. MANN. But does the Chair understand that this resolution was expressly limited to the Sixtieth Congress?

The CHAIRMAN. The Chair understood the gentleman from Minnesota to say that it was not.

Mr. TAWNEY. The resolution was adopted January 10, 1908.

Mr. MANN. Will not the gentleman read the resolution, and see if it is not expressly limited to the life of that Congress?

Mr. TAWNEY. The resolution expressly says—

that there shall be paid out of the contingent fund of the House to continue from the close of the Sixtieth Congress.

It runs indefinitely.

Mr. MANN. I did not understand the gentleman to so read the resolution.

Mr. TAWNEY. The service began at the close of the Sixtieth Congress and has continued ever since under that authority.

The CHAIRMAN. The Chair overrules the point of order.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 66, after line 3, insert:
"For folding speeches and pamphlets at the rate of not exceeding $1 per thousand during the year 1912, $2,000."

The amendment was agreed to.

The Clerk read as follows:

For payment to Samuel Robinson, William Madden, and Joseph De Fontes, as messengers on night duty during the third session of the present Congress, for extra services, $700 each; in all, $2,100.

Mr. COX of Indiana. Mr. Chairman, I want to ask the chairman in charge of this bill what these men's salaries are now.

Mr. TAWNEY. Two dollars and forty cents a day.

Mr. HUGHES of New Jersey. Too much money; too much money. [Laughter.]

The Clerk read as follows:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney General in House Document No. 1327, and which have not been appealed, $14,926.59, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word for the purpose of expressing in connection with this particular item, which does not affect the city of New York in any way, the thanks of my colleagues and myself and of the city of New York to the chairman of the Committee on Appropriations, who is so soon, to our great regret, to leave us, for the many kindnesses which we have had at his hands during the time he has been chairman of this committee. There is an impression that there is discrimination against great cities. Possibly at times that is so, but I want to bear testimony to the fact that during the last six years at least the chairman of this great committee, the gentleman from Minnesota [Mr. TAWNEY], has treated our city with entire justice, and that every request that we have made of the Committee on Appropriations, which was authorized by law, has been received with courteous consideration and we have received the money. Before the gentleman goes out of office I think it is due to him that those of us who are here from the great city of New York should express to him the appreciation we have for the consideration we have had at his hands during the years of his chairmanship. [Applause.]

The Clerk read as follows:

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress in House Document No. 1371, at its present session, $14,829; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian Service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

SEC. 2. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1908 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Document No. 1368, reported to Congress at its present session, there is appropriated as follows:

Mr. TAWNEY. Mr. Chairman, the following items up to section 3 of the bill are all judgments of the United States courts, the Court of Claims, or audited claims. They have been once read to-day and I ask unanimous consent that the remaining pages up to and including page 81 be considered as read.

Mr. BUTLER. Mr. Chairman, in this connection I would like to ask the gentleman from Minnesota a question.

The CHAIRMAN. Does the gentleman yield?

Mr. TAWNEY. I yield.

Mr. BUTLER. I find on page 77 an item of 7 cents to cover funeral and transportation expenses of a number of Indians. Will the gentleman inform me whether or not that pays all the expenses of the funeral of these Indians? [Laughter.]

The gentleman having answered that question, I would like to ask him another. How many Indians did the 7 cents bury?

Mr. TAWNEY. That depends upon the breed of Indians they were.

Mr. BUTLER. I am satisfied with the answer.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the reading of the bill, from line 7 on page 69, down to the bottom of page 81, be dispensed with. Is there objection?

Mr. SISSON. Mr. Chairman, reserving the right to object, I want to ask the chairman of the committee about an item which I find on page 72, in line 15, relative to the capture of Jefferson Davis. I do not know when that late capture was made. It seems that Jefferson Davis has lately been captured.

Mr. TAWNEY. Mr. Chairman, that item was the cause of a great deal of excitement on the other side of the House this afternoon when the bill was first read. The gentleman from Mississippi [Mr. SISSON] since that time has obtained full and complete information from a letter sent to the Committee on Appropriations by the Secretary of the Treasury on that subject. The Congress of the United States in 1868 appropriated $100,000 and authorized the President of the United States to expend that amount of money in paying or rewarding men who participated in the capture of Jefferson Davis.

When we passed the covering-in act two years ago, which requires the payment into the Treasury of all unexpended balances, there was an unexpended balance of this appropriation of $100,000, made away back in 1868, for this purpose. Under that act that balance was paid into the Treasury of the United States. Recently a constituent of the gentleman from Wisconsin [Mr. CARY], he having previously supposed that his right to participate in the distribution of the reward had expired by limitation, was informed by his Member of Congress, after examination, that such was not the fact, and, at the instance of the gentleman from Wisconsin, the Secretary of the Treasurer certified, after full investigation and proof, that this man was one of the three participants in that capture who had not been rewarded. After ascertaining that fact he sent his claim to Congress as an audited claim. That is all I know about it. If it were not for the fact that the balance had not been turned into the Treasury of the United States as a result of the action of Congress on the sundry civil appropriation bill in the closing days of the Sixtieth Congress, this amount would have been paid to this man out of the balance unexpended.

Mr. SISSON. Mr. Chairman, I have no objection, of course, to this item, and from what I have seen from the correspondence it seems to be perfectly correct; but the bill did not give the name of the party to whom the money was to be paid, and a letter from the Secretary of the Treasury does give his name, and I am going to ask unanimous consent that the letter from the Secretary of the Treasury may be published in the RECORD as a part of my remarks, because that explains the matter fully.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to insert the letter to which he refers as a

part of his remarks. Is there objection? [After a pause.] The Chair hears none.

TREASURY DEPARTMENT,
Washington, February 20, 1911.

Hon. J. A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives.

SIR: In reply to your telegram of February 17, relative to audited claim No. 12248 for $293 in favor of John T. Smith, alias John Wagner, for capture of Jefferson Davis, contained in House Document No. 1368, page 15, I have the honor to advise you that the Auditor for the War Department states that this claim is for a portion of the reward of $100,000 offered by the President of the United States for the capture of Jefferson Davis under the act of Congress of July 27, 1865 (15 Stat., 400), this being one of three cases remaining unpaid of those who took part in the capture and who are entitled to participate in the distribution of this reward, no application ever having been made heretofore by this claimant.

The auditor further states that three comrades of this claimant testify that John T. Smith and John Wagner are one and the same person; and it appears that John T. Smith, alias John Wagner, is drawing a pension under certificate No. 1157572; also that this claim was originally presented to his office by Hon. WILLIAM J. CARY of the House of Representatives, who stated that the claimant had an excellent record; that he had not sooner applied for payment because he was under the impression that his claim was barred by the statute of limitations, and that a copy of his honorable discharge was in his [Mr. CARY'S] possession. Copies of Mr. Cary's letter and of the affidavits of Lieut. O. P. Clinton and Corpl. E. H. Stuart, of claimant's regiment and company, as to his identity and his presence at the capture are inclosed for your information.

The papers in claimant's pension case disclose the fact that he enlisted when under age under an assumed name for fear of parental disapproval, and that his sisters and friends corresponded with him under the name of John Wagner throughout the war.

The act of Congress above cited appropriated the sum of $100,000 as a reward for the capture of Jefferson Davis, to be paid to the officers and enlisted men named therein, including the claimant, and to certain other members of regiments present at the capture whose names are unknown, or to their heirs, in proportion to the monthly pay to which they were severally entitled according to law.

This appropriation has remained available since the passage of the act for the specific payments authorized therein, being drawn upon from time to time as claims were presented and allowed until June 30, 1909, when the balance thereof, amounting to $1,210.48, was carried to the surplus fund under the provisions of section 10 of the sundry civil act of March 4, 1909 (35 Stat., 1027), which provided that all unexpended balances remaining upon the books of the Treasury on July 1, 1904, should be carried to the surplus fund and covered into the Treasury.

The claim has now been allowed by the Auditor for the War Department under the provisions of the act of July 7, 1884 (23 Stat., 254), authorizing the allowance of claims under appropriations the balances of which have been exhausted or carried to the surplus fund.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

Mr. SISSON. Mr. Chairman, I have no further objection, because it appeared to me as rather a strange item when I saw in the bill that Mr. Davis had lately been captured, and I thought it well that we have some explanation as to why Mr. Davis was being paraded around at this late day.

Mr. DAWSON. There is no doubt existing anywhere that he was captured, is there?

Mr. SISSON. None in the world.

Mr. TAWNEY. I trust the gentlemen of the House will now give attention to the request for unanimous consent, as we desire to close this bill if possible.

Mr. SISSON. I want to state to the gentleman I did not think there was any doubt about his being captured and above all things about a capture that was as much talked about at that particular time, and I thought it strange that any man living on earth would have waited this long to get his money, especially if he belonged to the party of the gentleman who made the inquiry. Republicans are usually not so long in getting their money.

Mr. CAMPBELL. Mr. Chairman, for the purpose of getting some information before consent is given to the unanimous consent, I notice, beginning on page 76, a number of items for the Indian Service, including an item for telegraphing, amounting to $22,418, and another item for telegraphing amounting to $3,000.

Mr. TAWNEY. Read the whole item and the gentleman will see it includes transportation and a good many items.

Mr. CAMPBELL. Yes; there are a number of these items. The Indian appropriation bill gave the Indian Service everything they asked on these matters and——

Mr. TAWNEY. Well, the gentleman from Kansas will pardon me, but he certainly realizes and knows that in the administration of the affairs of the Indians and of all the departments it happens frequently that accounts are not sent in for settlement and payment until the appropriation has elapsed. Now, that account is audited and the appropriation made for the year, the fiscal year in which the obligation was created, but there is no money available for the payment of that account.

And, therefore, under the statutes the heads of the departments are required to certify to the Secretary of the Treasury, the Secretary of the Treasury to certify to Congress, all audited accounts of that kind, and that is how these accounts come here. They are not claims. They are simply accounts that were not paid out of appropriations for the years in which the indebtedness occurred because of the lapse of the appropriation.

Mr. CAMPBELL. The Indian Department had ample opportunity to present this to the Committee on Indian Affairs for consideration in the bill providing for the year 1910.

Mr. TAWNEY. The Indian Bureau did not have the information itself. Why, in some of these cases the claimants, or the persons to whom the money is due, will not present the account for two or three years. The department is not to blame if the persons to whom the money is due fail to present their accounts, and it is only when the accounts are presented——

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. TAWNEY. I yield.

Mr. BURKE of South Dakota. It does not necessarily mean that these deficiencies call for any additional appropriation.

Mr. TAWNEY. Money that would otherwise be used to meet these accounts is returned into the Treasury by reason of the lapse of the appropriation.

Mr. STEPHENS of Texas. Will the gentleman explain one item, in line 16 on page 76, which reads:

For telegraphing, transportation, and so forth, of Indian supplies, 1910, $22,000.

I understand what telegraphing is and what transportation is, but what do they mean by "and so forth" there, and what part of the $22,000 is to pay for that?

Mr. TAWNEY. It is for advertising and sundry expenses. When they send in the audited claims they do not enumerate all the items involving small amounts of money.

Mr. STEPHENS of Texas. I do not remember to have seen that in any other bill.

Mr. TAWNEY. If the gentleman will look at the document that is referred to in that paragraph, he will obtain a full itemized statement of every item that goes to make up that $20,000, but the gentleman must realize that it would not be fair to the House to describe every little item in the appropriation act. For that reason we refer to the document which conveys all the details of the appropriation. Now, Mr. Speaker, before submitting the request, I am informed that while I was out this evening for a few moments a certain request was made. If the Chair will submit the request now, I will recur.

The CHAIRMAN. The Chair will state it. The gentleman from Minnesota asked unanimous consent that further reading of the bill, from line 7, page 69, down to and including line 25, on page 81, be dispensed with.

Mr. COVINGTON. Mr. Chairman, I notice that on page 81, among claims allowed by the Auditor for the Post Office Department, there is an item in line 7 of $257, for indemnity for losses by registered mail. I want to ask the chairman of the committee under what circumstances the Government assumes to indemnify anyone for the loss of registered mail?

Mr. STAFFORD. Under the law the department indemnifies the senders of registered mail up to $50; formerly it was $45.

Mr. COVINGTON. And this claim has been audited according to the existing law?

Mr. STAFFORD. These are several claims where the appropriation was not sufficient to pay the claims of indemnity that year.

Mr. MACON. I want to ask the gentleman if all of these items have been audited.

Mr. TAWNEY. All of them have been audited, and they have all been read once to-day.

Mr. MACON. And they are all authorized by existing law?

Mr. TAWNEY. They are all authorized by existing law.

Mr. HUGHES of New Jersey. I would like to offer the following amendment, and ask unanimous consent for its present consideration.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

To Commander Robert E. Peary, for services rendered in the discovery of the North Pole, $10,000.

Mr. MACON. Mr. Chairman, I make a point of order upon that. [Laughter.]

The CHAIRMAN. Does the gentleman from Arkansas reserve the point of order?

Mr. MACON. I make it. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. I would like to have unanimous consent to ask the gentleman from Arkansas [Mr. MACON] to reserve his point of order in order that I may make a statement.

Mr. TAWNEY. I hope the gentleman from Pennsylvania will desist.

Mr. MOORE of Pennsylvania. Mr. Chairman, there is no desire on the part of Commander Peary's friends that this award should be made to Commander Peary. [Applause.]

Mr. TAWNEY. Mr. Chairman, I ask that this paragraph on page 32, which was passed over in my absence without prejudice, be taken up by unanimous consent.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to the item on page 32. Is there objection? The Chair hears none. The gentleman from Indiana [Mr. Cox], as the Chair recollects, reserved a point of order on the paragraph. The Chair will hear the gentleman from Minnesota.

Mr. TAWNEY. Mr. Chairman, this is an item that has been the subject of international negotiation and also the subject of a message from the President of the United States. The naval gunboat *Essex* damaged the cable of the Canadian Electric Light Co. near or in the vicinity of Quebec. The House has already passed a bill authorizing the payment of this claim, and the Senate has reported favorably a bill for the same purpose. Now the matter has been taken up again. I have a statement here which says—

Since then we have made all possible efforts through the British Embassy, through the Department of State, but we have never been able to bring the matter to a final conclusion.

Mr. COX of Indiana. Will the gentleman yield a moment?

Mr. TAWNEY. The matter, I repeat, was made the subject of a message by the President of the United States. I concede that it is not authorized by law, but it is a matter of international comity.

Mr. COX of Indiana. If the gentleman will give me but a moment we can settle it, so far as I am concerned. The explanation has gone far enough, and I withdraw the point of order.

The CHAIRMAN. The gentleman from Indiana withdraws the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 3. For salaries, to be fixed by the Secretary of the Treasury, of a chief and other employees and for all other necessary expenses of a division in the Treasury Department, which is hereby created, to be known as the Fidelity Division, $25,000, to continue available during the fiscal year 1912. The said Fidelity Division, under the direction of the Secretary of the Treasury, shall hereafter have charge of all matters pertaining to the bonding of all Government officers, agents, and employees, and of the fidelity fund herein provided for, and custody of the bonds of all such officers, agents, and employees. From and after the 1st day of July, 1911, every officer, agent, and employee of the Government who is now or may hereafter be required by law or Executive order to give bond shall at his option give bond either with good and sufficient sureties or, upon contributing to the fidelity fund the premium or premiums herein authorized, give such bond without sureties, and all such bonds shall run to the United States whether given with or without sureties as above provided: *Provided*, That this section shall not apply to what are commonly known as contract, or court bonds. The Secretary of the Treasury shall classify all bonded officers, agents, and employees of the Government, and the premium rates per thousand of penalty for the various classes shall be established by him after due consideration of the aggregate penalties of bonds given by such classes between the 1st day of January, 1895, and the 31st day of December next preceding the promulgation of such rates, and the aggregate losses incurred on such bonds during the same period, but in the aggregate the average annual premium per thousand of penalty shall be equal to not less than 175 per cent of the average annual loss incurred per thousand or penalty upon the bonds of all officers, agents, and employees of the United States between the 1st day of January, 1895, and the 31st day of December next preceding the promulgation of such rates: *Provided further*, That premium rates for officers, agents, and employees of the Post Office Department and the postal service may be based on the penalties of the bonds of such employees and the losses incurred under such bonds, as herein provided, between the 1st day of January, 1905, and the 31st day of December next preceding the promulgation of such rates: *And provided further*, That, should the moneys to the credit of the fidelity fund, less any outstanding claims, become equal to 1 per cent of the total penalties of all the bonds of those contributing to said fund, the rates may be lowered to such an extent as, in the judgment of the Secretary of the Treasury, will suffice to meet the average yearly losses and all expenses of the Fidelity Division. The Fidelity Division shall pay all moneys received for the fidelity fund to the Treasurer of the United States, and all such payments shall be covered into the Treasury by him as miscellaneous receipts, but credited on the books of the Treasury to said fidelity fund. Whenever the Secretary of the Treasury shall finally determine that any sum is due the United States upon any such bond without sureties, such sum shall at once be charged or debited to said fidelity fund, but such charge or debit shall not operate to release the officer, agent, or employee, but he shall be liable as fully on his bond and otherwise as if no such charge or debit had been made; and any moneys that may thereafter be recovered from such officer, agent, or employee, or from anyone for him, shall be covered into the Treasury as miscellaneous receipts and credited to the fidelity fund. All moneys paid into the Treasury to the credit of the fidelity fund shall be the property of the United States for the purposes above specified, and shall be used like other moneys belonging to the Government, but strict account shall be kept of the amount due said fund. All expenses of said Fidelity Division, including salaries therein, shall be annually estimated and appropriated for, but after July 1, 1912, all sums so expended shall be charged or debited to said fidelity fund. That from and after the 1st day of July, 1911, every officer, agent, or employee of the Government receiving, disbursing, or otherwise handling moneys belonging to the United States, or moneys in the custody of the United States, amounting to $1,000 or more per annum, shall give bond to the United States for the faithful performance of his duty, and, unless otherwise provided by law, the Secretary of the Treasury shall prescribe the amount of the penalties of such bonds. The Secretary of the Treasury shall make all necessary rules and regulations to carry out the provisions of this section and may utilize and employ for such purpose the services of such officers, clerks, and other employees in the Treasury Department as he may direct. The Secretary of the Treasury shall, in his annual report to Congress, submit a detailed statement of the credits to said fidelity fund and of all charges or debits against the same for the preceding fiscal year, and the number and aggregate penalties of all bonds without sureties executed hereunder during such year.

Mr. TAWNEY. Mr. Chairman, this section has already been read, and I ask unanimous consent that the further reading be dispensed with. Then, if any gentleman wishes to make amendments or motions to strike out, he can do so.

The CHAIRMAN. Is there objection?

Mr. A. MITCHELL PALMER. Mr. Chairman, I move to amend by striking out the section.

The CHAIRMAN. Will the gentleman withhold his motion for a moment?

Mr. A. MITCHELL PALMER. Certainly.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Minnesota to two typographical errors, on line 10 and line 17, on page 83.

Mr. TAWNEY. The word "or" on line 10 should be "of," and on line 17 the word at the end of the line should be "loss."

The CHAIRMAN. The paragraph can be amended so as to correct those errors. The gentleman from Pennsylvania moves to strike out the paragraph.

Mr. TAWNEY. Mr. Chairman, I would like to ask the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER] if we could arrange to close the debate by unanimous consent in 30 minutes, 15 minutes to a side?

Mr. A. MITCHELL PALMER. If the gentleman will let the matter go over until to-morrow I think we could make better progress.

Mr. TAWNEY. We are so near the end of the bill now, and the time is so short, and the enrollment of the bill is such an important matter as to the economy of time in the brief space allowed us before the close of this session, when only four days remain, that I would like to dispose of the bill to-night.

Mr. A. MITCHELL PALMER. I do not want very much time on the proposition, but I do not know how much time other Members may desire to take, and I would dislike to agree that the debate close in 30 minutes if other gentlemen desire to speak. It is a very important matter.

Mr. TAWNEY. I move, Mr. Chairman, that the debate on the paragraph be closed in 30 minutes.

The CHAIRMAN. The Chair would suggest that the debate has not fairly begun. The Chair would further suggest to the gentleman from Minnesota that there is a typographical error on page 83, line 23. The second word on line 23 should contain a letter "m" instead of an "n."

Mr. TAWNEY. Yes; the word should be "claims."

The CHAIRMAN. If there be no objection, it will be so modified.

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. A. MITCHELL PALMER] is recognized.

Mr. A. MITCHELL PALMER. Mr. Chairman, it will not take me very long to state my objections to this proposed legislation. I have no interest, direct or indirect, in any bonding company doing business in the United States, or anywhere else, and so far as I know there is not a company doing a surety business in the district that I represent which will be affected in any way by this legislation. But, Mr. Chairman, in days gone by I have had considerable experience in connection with the business of surety companies, and I think I can say that I speak from out my own experience when I express the deliberate judgment that if the Government of the United States, by passing this legislation, now goes into the surety business, the time will come when the Congress will regret it.

As I said earlier in the day, there is no business being engaged in by men in this country at the present time which is of a more hazardous and risky character than that of writing bonds to secure the fidelity and honesty of men in official positions and their undertakings of a contract nature in their dealings with the Government.

There are something like 210,000 fidelity bonds running to the United States given by officers, agents, and employees. There are a great many other bonds running from subemployees to superior officers, but I speak only of those in which the United States is the obligee. The aggregate of the penalties of those 210,000 or 220,000 bonds is the enormous sum of $360,000,000.

This section proposes that we shall appropriate the sum of $25,000 as an initial expense in the organization of a bureau which shall manage the bonding business for the Government of the United States, in which it proposes to assume a risk amounting to $360,000,000.

Mr. MOORE of Pennsylvania. Will the gentleman pardon me?

Mr. A. MITCHELL PALMER. Certainly.

Mr. MOORE of Pennsylvania. If this risk were called suddenly, what would it mean?

Mr. A. MITCHELL PALMER. It would mean bankruptcy, I suppose, if it were called suddenly.

Mr. MOORE of Pennsylvania. Will the gentleman tell us what amount of premiums would justify this liability of $360,000,000 which the Government apparently would assume under this system?

Mr. A. MITCHELL PALMER. I am not going into those figures. I am not an insurance actuary.

Mr. SMITH of Iowa. What would happen to the bonding companies if this $360,000,000 of liability should be called?

Mr. A. MITCHELL PALMER. I am not arguing that it is probable that this enormous liability will ever be incurred at one time under either the present or the proposed system. In the last analysis, Mr. Chairman, the thing amounts to just this: We propose to reduce the salary of every man who is working for the Government, and then, after having reduced his salary, we propose that the Government itself shall assume all the risk of his personal honesty and his fidelity to his employer.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FITZGERALD. I ask unanimous consent that the gentleman's time be extended 10 minutes.

Mr. SMITH of Iowa. There ought to be some understanding about the time.

Mr. FITZGERALD. There are only one or two gentlemen who wish to be heard.

Mr. SMITH of Iowa. I know; but it was proposed to close this debate at 12 o'clock.

Mr. A. MITCHELL PALMER. There was no agreement of that kind. Give me five minutes, then.

Mr. FITZGERALD. I ask unanimous consent that the time of the gentleman from Pennsylvania be extended 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania has just announced that he does not care for more than five minutes.

Mr. A. MITCHELL PALMER. I should like to have 10 minutes. I do not want to prolong the debate.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the time of the gentleman from Pennsylvania be extended 10 minutes.

Mr. STAFFORD. I object. I understand the gentleman will be satisfied with five minutes.

Mr. A. MITCHELL PALMER. I will not be satisfied with five minutes. I am sure I can conclude inside of 10 minutes.

Mr. HILL. It is too late. I was so informed a few minutes ago, when I asked to be allowed to make a statement.

Mr. FITZGERALD. I ask for five minutes, then.

The CHAIRMAN. The Chair will submit the request. The gentleman from New York asks unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes. Is there objection?

There was no objection.

Mr. HILL. I will not object to five minutes. I will object to 10.

Mr. A. MITCHELL PALMER. Mr. Chairman, in five minutes it is of course difficult to cover very much of a question of this kind. I simply want to add to what I have said on that branch of the proposition—that it does seem to me to be false economy for us to assume this enormous risk because the Government of the United States, while it proposes to pay the losses out of the reduction of salaries by way of assessments made upon employees and officers of the Government, will, nevertheless, be liable for the entire penalty of these bonds, to the extent of all the losses that may occur upon them. So there is no need of dealing in figures as to what losses have been made in the last few years, or what they may be in the future. We propose to make the Government responsible hereafter, so that we are practically saying that in the future we will do what this Government has never done in the past—take these employees, officers, and agents into its employ without any security whatever to protect the Government in the performance of their duties.

Now, I want to refer to another paragraph in this section which raises the strongest possible objection to this proposed legislation. There is a proviso that this section shall not apply to what are commonly known as contract or court bonds. We might as well be practical about this thing. Everybody who has given the subject any attention knows perfectly well that the great bonding companies have made some money out of the fidelity bonds running to the Government. They have been able to get prices on those which, while lower than prices charged to persons in a fiduciary capacity in private life, have yielded profits to the great surety companies. And they have been willing to continue in the business of writing all kinds of bonds running to the Government because of the prestige which the Government of the United States as a patron and customer has given to the companies, despite the fact that the contract business, the business of writing bonds to secure the execution of contracts, has been done at an enormous loss. I know that one company, situated in the city of Baltimore, in less than 10 years, has received $301,000 in premiums on contract bonds, and has paid out to the Government of the United States for losses $910,000 in the same length of time.

Now, I say we should be practical. What is going to happen? You put this law into operation and take away from the surety companies the fidelity business in which they can make living profits and they are going to refuse to write the contract bonds, and the Government of the United States will be forced to go back to the antiquated and old-fashioned system of taking individual sureties upon every contract bond running to the Government of the United States.

Why, this little thing of fidelity bonds is a picayune matter compared with the danger that you are running into of being required to accept individual sureties on all your contract bonds. Is not that a serious matter? In 1894, when this Congress passed a law permitting surety companies to write bonds of this character, the Secretary of the Treasury reported to Congress that we had upon our books $35,000,000 of uncollected and uncollectible judgments against individuals upon surety bonds of this character—contract and fidelity.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FITZGERALD. I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. STAFFORD. Will the gentleman conclude in five minutes?

Mr. A. MITCHELL PALMER. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. A. MITCHELL PALMER. At that time this argument of the Secretary of the Treasury showing our dealings with individuals as sureties was sufficient to impress upon this Congress the necessity of a change, and the law making it possible to get surety companies on bonds was enacted. We propose deliberately now to repeal that law, in effect, by driving the insurance companies away from the contract business and by reducing the price of fidelity business to such an extent that no surety company will enter the field. If it was a good thing to take surety companies in 1894, when they were weak and inexperienced, when they did not know what this business meant, I think it must be a bad thing to drive them out of the field and make it impossible for the Government to have the benefit of their security now, 17 years later.

The gentlemen complain of the fact that the surety companies have charged high prices. The fact is that the prices charged as premiums on fidelity bonds to-day by the surety companies average as low as they were before this legislation had its inception in the special session of 1909. The fact is that that law which we passed at the tariff session in 1909 has accomplished the purpose which gentlemen on the other side then said they desired, and that was to give some power to the Government over the prices that the surety companies might charge.

I will tell you, if you want to know, how you can go a little farther in the same direction and give your employees and your officers the benefit of better prices without embarking the Government of the United States into this tremendously risky business of writing bonds. You put into the act of 1894 a provision that the Government might accept bonds written by surety companies incorporated under the laws of the United States or of any State in the Union. If you will strike out of that law the words "incorporated under the laws of the United States or of any State in the Union," you will do more than any other act could do in giving a better, bigger, and stronger competition, which would result in lower premiums upon this same class of bonds you are striking at now. There are surety companies all over the world. Great Britain has strong companies. The Dominion of Canada has strong companies. They are doing business in the American field. They are after the business, and

they want the Government business, and the prestige and advertisement of the Government business are such that if these foreigners could come into this field and bid against the American companies for the business the rates would go down below the cut rates of 1907 and 1908. It seems to me, Mr. Chairman, that rather than go hastily into this business of creating a new department of the Government for the purpose of taking care of this insurance business we might better overhaul that law and make more effective the law of 1909 that the gentleman from Iowa and the gentleman from Minnesota were so eloquent in defending and so successful in obtaining two years ago. I have heard these gentlemen, especially the gentleman from Minnesota [Mr. TAWNEY], upon whom eulogies as the watchdog of the Treasury have been delivered to-night, inveigh here time after time during my short service against the proposition that we should be constantly creating new bureaus in the executive departments of the Government, and I am sorry to see him celebrate his passing from the House by the attempt to foist upon the United States Government a bureau, with an appropriation of $25,000 to start with—and nobody knows how much will follow in the years to come—and to embark that bureau into the business of writing bonds to the extent of $360,000,000. [Applause on the Democratic side.]

Mr. SMITH of Iowa. Mr. Chairman, I desire to say only a very few words in reply to the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER]. He says that the bonds are for penalties of $300,000,000 and wants to know what will become of us if they all mature at the same time. I would like to know what would become of the bonding companies, with their thirty-five or thirty-six millions of dollars of capital and surplus, if the whole $300,000,000 should fall due at the same time?

Mr. A. MITCHELL PALMER. If the gentleman will pardon me, he should remember that I was not guilty of asking that question. That was asked by my colleague, the gentleman from Philadelphia.

Mr. SMITH of Iowa. I know, but the gentleman assumed that there were $300,000,000 of penalties, and it was an awful liability for this Government to undertake. If it fell due at the same time it would be quite as fatal to his $35,000,000 surety companies as to the Government of the United States.

He says we will have to go back to private sureties again. Well, godspeed the day when we do, if we can not get something better than we have been getting from the surety companies. I predicted when the actuaries undertook the work that it would appear that the private sureties had paid a greater percentage of their losses than have these bonding companies, and it appeared from the investigation covering 15 years that the private sureties had paid 30 per cent more of their losses than the surety companies. He said that if it was a good thing to take these bonding companies when we started, many years ago, why not now? We never knew it was a good thing to take their bonds. We thought it was a good thing to try their bonds, and we have tried them, and found that after extorting six times as much from Government employees as they have paid over to us, outside of the Post Office Department, and over four times as much in the Post Office Department, they were then beating us out of two-thirds of what was due us. If any man is opposed to trusts in this world I do not see how he can stand here and defend allowing the Government employees to be robbed of the premiums and then the Government to be robbed of the amounts due or the bonds when they fall due.

We do not object so much to the amount of the premium as we object to the fact that these companies will not pay if they lose. We want the Government to recover the money that is due it and we will have to devise some scheme by which the Government can get this money. Now we are putting upon these employees not an additional burden, as stated by the gentleman from Pennsylvania, but we are proposing to put upon them a less premium than is put upon them by these companies. We are not reducing their salaries. We are increasing the salaries of all of them by charging a lower premium than the bonding companies charge, and then we are paying 100 cents on the dollar of the Government's obligation and not one-third as they have been doing.

Mr. A. MITCHELL PALMER. Just there as the gentleman refers to the fact, and to have the record right, is it not true that the Government of the United States does not have a single uncollectible judgment against any of these bonding companies?

Mr. SMITH of Iowa. It is true; when companies have failed it is not necessary——

Mr. A. MITCHELL PALMER. Have you a claim?

Mr. SMITH of Iowa. If they have failed, there is no use in getting a judgment which would be utterly worthless.

Mr. A. MITCHELL PALMER. How much would that amount to?

Mr. SMITH of Iowa. I can not give the exact figures.

Mr. A. MITCHELL PALMER. Is it not also true that in 1894 we had thirty-five millions of uncollectible judgments against individuals?

Mr. SMITH of Iowa. Fidelity bonds; no. The gentleman adroitly picks the bonds that are not here in question, but contract bonds, and the like; there never was such an amount of fidelity bonds due the Government.

Mr. MOORE of Pennsylvania. I could tell the gentleman of one fidelity bond that was paid to the Government within the last six months.

Mr. SMITH of Iowa. And that company is bankrupt.

Mr. MOORE of Pennsylvania. That is true, and it is because of the 4,000 people who had their money in that company that I do not want to see this injustice done to them.

Mr. SMITH of Iowa. I can not yield the gentleman all my time——

Mr. MOORE of Pennsylvania. I know the company was made to pay——

Mr. SMITH of Iowa. I beg the gentleman's pardon; I will answer any questions, but he must not take up all of my time.

Mr. MOORE of Pennsylvania. I hope the gentleman will answer this question. He has referred to one company that is bankrupt, and that is because it has endeavored to pay its obligations to the Government, and had to go to the wall——

Mr. SMITH of Iowa. That was not the only reason, but it was forced into the hands of a receiver before it went to the wall.

Mr. MOORE of Pennsylvania. Has not the receivership actually paid to the Government——

Mr. SMITH of Iowa. I must insist, Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I ask for two more minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. Under this provision we find that it will greatly reduce the premiums paid by the Government employees and take them out of the clutches of this combine of 17 companies, and at the same time we will pay to the Government three times as much upon its losses as it now receives. For these reasons the commission, composed of three Senators and three Members of the House, after two years of effort, has reported this measure in the confident belief that it will be successful if tried.

The CHAIRMAN. The question is upon agreeing to the amendment.

The question was taken, and the Chair announced the noes appeared to have it.

Upon a division (demanded by Mr. A. MITCHELL PALMER), there were—ayes 37, noes 66.

So the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be adopted and the bill as amended do pass.

The motion was agreed to; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 32957, the general deficiency bill, and had instructed him to report the same to the House with sundry amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] The Chair hears no request. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read a third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the vote by which the bill was passed was laid upon the table.

MANAGERS FOR THE SOLDIERS' HOME BOARD.

Mr. TILSON. Mr. Speaker, I move to suspend the rules and pass House joint resolution 294, for the appointment of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That Hon. Z. D. Massey and Capt. Lucian S. Lambert be, and they are hereby, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States; Hon. Z. D. Massey to succeed Walter P. Brownlow, deceased, whose term of office would expire April 21, 1914, and Capt. Lucian S. Lambert to succeed Thomas J. Henderson, deceased, whose term of office would expire April 21, 1914.

The SPEAKER. Is a second demanded?

Mr. GARRETT. I hope the gentleman does not care to press that resolution to-night.

Mr. TILSON. I understand there is no objection to it. Every member of the Committee on Military Affairs is in favor of it.

Mr. FITZGERALD. Has it the unanimous consent of the Committee on Military Affairs?

Mr. STAFFORD. I understand that the gentleman from Michigan [Mr. GARDNER] has been considered.

Mr. TILSON. The gentleman withdrew.

Mr. COOPER of Wisconsin. I move the House do now adjourn.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] is entitled to 20 minutes and the gentleman from Connecticut [Mr. TILSON] 20 minutes.

Mr. UNDERWOOD. I hope the gentleman from Connecticut will let it go until to-morrow morning.

Mr. TILSON. I understand there is no objection to it.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House do now adjourn.

Mr. TILSON. If there is any objection to my motion, I certainly will withdraw it.

NANNIE E. WILLIAMS, GEORGE GRAY, AND R. L. GAINES.

Mr. CURRIER. Mr. Speaker, I submit the following privileged report (No. 2277) from the Committee on Accounts.

The SPEAKER. The gentleman from New Hampshire offers the following privileged report from the Committee on Accounts, which the Clerk will read.

The Clerk read as follows:

Resolution 1004, in lieu of House resolution 999.

Resolved, That there shall be paid out of the contingent fund of the House to Nannie E. Williams, widow of John W. Williams, late a laborer in the heating and ventilating department of the House, an amount equal to six months' salary as such laborer, at the rate of compensation paid at the time of his decease; also there shall be paid out of the contingent fund of the House to George Gray $150, and to R. L. Gaines $63, to defray the expenses of the burial, etc., of said John W. Williams.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

CLERICAL ASSISTANCE, COMMITTEE ON ENROLLED BILLS.

Mr. CURRIER. I also submit the following privileged report (No. 2276) from the Committee on Accounts.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

House resolution 1003.

Resolved, That there shall be paid out of the contingent fund of the House not exceeding $200, for additional clerical assistance to the Committee on Enrolled Bills, during the remainder of the present session, upon the certificate of the chairman of said committee.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

WITHDRAWAL OF REPORT.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I ask unanimous consent to withdraw the report filed yesterday, from the Committee on Claims, on Senate bill 1031, Report No. 2262; Senate bill 9270, Report No. 2264; Senate bill 4023, Report No. 2263; and Senate bill 9954, Report No. 2265, for correction and reprint of said reports, leaving the bills on file.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 31856. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 29857. An act to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chapter 108 of an act approved May 28, 1880, page 145, volume 121, United States Statutes at Large; and

H. R. 32082. An act limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths.

PHILIPPINE COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the Annual Report of the Philippine Commission for the year ended June 30, 1910.

WM. H. TAFT.

THE WHITE HOUSE, *February 28, 1911.*

WITHDRAWAL OF PAPERS—THEODORE N. GATES AND SARAH B. SCHAEFFER.

By unanimous consent, leave was granted to Mr. WASHBURN to withdraw from the files of the House, without leaving copies, the papers in the case of Theodore N. Gates, Sixty-first Congress, no adverse report having been made thereon.

By unanimous consent, Mr. NYE was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Sarah B. Schaeffer, Sixty-first Congress, no adverse report having been made thereon.

WITHDRAWAL OF HOUSE RESOLUTION 996.

Mr. CARY. Mr. Speaker, I would like to ask unanimous consent to withdraw House resolution No. 996, which I introduced the other day by request under a misapprehension.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to withdraw House resolution 996.

Mr. MANN. To withdraw it how?

The SPEAKER. From the files of the House. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 4 minutes a. m.) the House adjourned until 11 o'clock a. m. Wednesday, March 1, 1911.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of the General Land Office with a report as to the southern boundary of Alabama (H. Doc. No. 1413), was taken from the Speaker's table, referred to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32570) providing for the regulation, identification, and registration of automobiles engaged in interstate commerce and the licensing of operators thereof, reported the same without amendment, accompanied by a report (No. 2270), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 32531) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation, reported the same with amendment, accompanied by a report (No. 2272), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON, from the Committee on the Territories, to which was referred the joint resolution of the House (H. J. Res. 295) approving the constitution formed by the constitutional convention of the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 2269), which said resolution and report were referred to the House Calendar.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6582) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by act of Congress approved March 2, 1907, reported the same without amendment, accompanied by a report (No. 2274), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10756) granting public lands to the town of Omak, State of Washington, for public-park purposes, reported the same without amendment, accompanied by a report (No. 2271), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred, as follows:

By Mr. BENNET of New York: A bill (H. R. 32970) to amend the immigration law relative to the separation of families and to criminal aliens; to the Committee on Immigration and Naturalization.

By Mr. CARY: A bill (H. R. 32971) to amend section 4488, Revised Statutes, for the greater safety and protection of passengers on steam vessels of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. CAMPBELL: Memorial of the Legislature of Kansas, relative to pension agencies; to the Committee on Appropriations.

By Mr. ANTHONY: Memorial of the Legislature of Kansas, protesting against consolidation of United States pension agencies; to the Committee on Appropriations.

By Mr. ELLIS: Memorial of the Legislature of Oregon, in favor of a parcels post; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURLEIGH: A bill (H. R. 32972) granting an increase of pension to Charles Thurston; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 32973) granting a pension to John Phillips; to the Committee on Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 32974) for the relief of N. W. Jones; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of E. M. Kenedy and others, against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

By Mr. ANDERSON: Petition of Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Ohio Branch of the National German Alliance, for monument at Germantown; to the Committee on the Library.

Also, petition of Oceola Council, No. 116, Oceola, Ohio, for H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of Walla Walla (Wash.) Trades and Labor Council, relative to disposition of certain lands; to the Committee on the Public Lands.

Also, papers to accompany bills for relief of George W. Mackey, N. B. Peterman, John W. Robinson, Christian Younkman, Thomas Chance, Frederick J. Rieser, Margaret A. Patterson, G. O. Maskey, Henry Stork, Jacob Clark, William Mereness, George Smith, and Sarah Mount; to the Committee on Invalid Pensions.

Also, petition of the Old Age Brotherhood, Lancaster, Ohio, for enactment of an old-age pension system; to the Committee on Pensions.

By Mr. ASHBROOK: Petition of Capt. M. R. Limbie and 12 other prominent citizens of Wooster, Ohio, for the militia-pay bill; to the Committee on Militia.

Also, petition of Jersey (Ohio) Grange, the Congress (Ohio) Grange, and the Tiverton (Ohio) Grange No. 1515, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BRADLEY: Petition of Washington Camp, No. 35, Patriotic Order Sons of America, Washingtonville, N. Y., for H. R. 15413; to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of Washington Camp No. 742, Patriotic Order Sons of America, of Latrobe, Pa., relative to House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Petition of Elmer Perstman and other citizens of Buffalo, Iowa, against reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of Local Union No. 312, of Davenport, Iowa, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of R. Sharp and 71 other citizens of Maquoketa, Iowa, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Ed D. Mayer and 15 other citizens of Muscatine, Iowa, for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. DODDS: Petition of Robert Gladstone and others, R. E. Latty and others, and citizens of Gratiot County, against Senate bill 404 and House joint resolution 17, Sunday legislation in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of the Sunday School Council of Evangelical Denominations against increase in postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. DUREY: Petition of the Woman's Home Missionary Society of Corinth, N. Y.; also petition of the Woman's Home Missionary Society of Mechanicsville, N. Y., favoring the enactment of the Miller-Curtis bill and other prohibition legislation; also petition of the Home Missionary Society of Galway, N. Y., favoring the enactment of the same measures; to the Committee on the Judiciary.

By Mr. ELLIS: Petition of E. Chandler and 15 others, of Richland, Oreg., against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petition of Jewelers' Board of Trade, urging speedy passage of House bill 32260; to the Committee on Interstate and Foreign Commerce.

Also, petition of Pictorial Review Co., New York City, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Milton Piano Co., favoring a merchant marine as per the Gallinger bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of Sundance Commercial Club, of Wyoming, for an appropriation to purchase a site for a Government building in Sundance, Wyo.; to the Committee on Public Buildings and Grounds.

Also, petition of the Furner Motor Car Co., for the Wanger bill (H. R. 32570); to the Committee on Interstate and Foreign Commerce.

Also, petition of Pictorial Review Co., of Chicago, protesting against an increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of Westbury Quarterly Meeting of the Society of Friends, for neutralization of the canal and against use of public funds for warlike preparations; to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of D. G. Clark and 18 others, of Allegan County, Mich., and citizens of Paw Paw, Mich., favoring the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. HANNA: Petition of Legislature of North Dakota, favoring annexation with Canada; to the Committee on Foreign Affairs.

Also, petition of citizens of North Dakota, against Senate bill 404 and House joint resolution 14; to the Committee on the District of Columbia.

Also, petition of citizens of North Dakota, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of citizens along post-office rural routes in North Dakota, for House bill 26791, favoring additional pay for rural

delivery carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Sundance Commercial Club, for an appropriation for a public building in Sundance, Wyo.; to the Committee on Public Buildings and Grounds.

Also, petition of Twelfth Legislative Assembly of North Dakota, for a system of Federal inspection of grain; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. A. Weeden and others, against increase of postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of Legislature of North Dakota, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HILL: Petition of citizens of Danbury, Conn., against a donation of land to J. B. Pitcoal, of Santa Fe, N. Mex.; to the Committee on the Public Lands.

Also, petitions of Greenfield Hill Grange, No. 139; Danbury Grange, No. 156; Reppowan Grange, No. 145, Stamford; Goshen Grange, No. 143; Colebrook Grange, No. 82; and Plymouth Grange, No. 72, all in the State of Connecticut, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HOUSTON: Paper to accompany bills for relief of H. B. Crowell and William H. Jones (previously referred to the Committee on Invalid Pensions); to the Committee on Claims.

By Mr. AIKEN: Petition of Junior Order United American Mechanics, Park Hill, S. C., and Jefferson, S. C., for enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. KINKEAD of New Jersey: Petition of Franklin Union No. 23, International Pressmen's Assistants Union of North America, against increase of postage rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. KRONMILLER: Petition of United Hebrew Charities of Baltimore, against violation of treaty obligations by the Government of Russia; to the Committee on Foreign Affairs.

Also, petition of Jeremiah Neman, Baltimore, Md., for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. LLOYD: Petition of citizens of the first congressional district of Missouri, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of National Consumers' League, against minors holding positions in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. C. B. Linville and others, favoring investigation of causes of tuberculosis, typhoid fever, and other diseases originating in dairy products; to the Committee on Agriculture.

Also, petition of citizens of Hamilton, Mo., against Senate bill 404, Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LOUD: Petition of John H. Wildey and 12 other residents, of Pinconning, Mich., and Lodge Ancient Order of Gleaners, Midland, Mich., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Oscar Mathison and 4 others, of Alpina, Mich., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. McCALL: Petition of John T. Wilson, Esq., Post 148, Grand Army of the Republic, Massachusetts, favoring House bill 31238, Lincoln memorial highway; to the Committee on the Library.

By Mr. McCREDIE: Petitions of Lincoln Grange, No. 357, Fishers Grange, No. 211, and others, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of Washington, against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. Harriet Siddall and others, favoring the Bartholdt bill for indemnity to the Lewis Publishing Co.; to the Committee on Claims.

Also, petition of Bakery and Confectionery Workers' International Union of America, Tacoma, Wash., against the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of J. J. Flood and others, insisting that the battleship *New York* be built in a Government navy yard, in compliance with the law of 1910, and for eight-hour clause of naval appropriation bill; to the Committee on Naval Affairs.

By Mr. McHENRY: Paper to accompany bill for relief of Christopher Sigoma (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. McKINNEY: Petition of Rock Island (Ill.) Chapter, American Woman's League, against increase of postal rates for magazines; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of Piano Manufacturing Association, favoring Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of Chicago, for the construction of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. MOORE of Pennsylvania: Petitions of American Standard Council, No. 830; Martha G. Kimball Council, No. 553; Ivanhoe Council, No. 994; McAllister Council, No. 1011; Lansdale Council, No. 934; McDonald Council, No. 199; Reserve Council, No. 253; George Bancroft Council, No. 571; M. G. Lowrey Council, No. 722; Thaddeus Stevens Council, No. 252; Samuel J. Randall Council, No. 448; Melrose Council, No. 928; Robert Tippett Council, No. 736; Neversink Council, No. 371; Globe Council, No. 54; Robert Morris Council, No. 41; William Windom Council, No. 580; Heilman Council, No. 277; the Temple Council, No. 1010; James Allen Council, No. 835; Woodland Council, No. 179; Fourth Estate Council, No. 170; Malta Council, No. 905; Volunteer Council, No. 679; Mantua Council, No. 83; Blair Council, No. 15; Hazel Council, No. 258; North American Council, No. 332; Ford City Council, No. 272; Betsy Ross Council, No. 668; York Council, No. 505; Tamaqua Council, No. 547; and Chestnut Hill Council, No. 215, all of Order of Independent Americans, and Washington Camps Nos. 497, 284, and 742, Patriotic Order Sons of America, urging the enactment of an illiteracy test; to the Committee on Immigration and Naturalization.

Also, petition of National Piano Manufacturers' Association of America, for Canadian reciprocity as per the McCall bill; to the Committee on Ways and Means.

Also, petition of the Association of Military Surgeons of the United States, for a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of Shoe Wholesalers and Manufacturers' Protective Association, Philadelphia, Pa., against a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Local Union No. 161, International Brotherhood of Bookbinders, of Philadelphia, opposing any increase in postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of Rhode Island Avenue Suburban Citizens' Association, urging enactment of all unobjected bills on House Calendar concerning the District of Columbia; to the Committee on the District of Columbia.

By Mr. MORGAN of Oklahoma: Petition from O. T. Robinson, C. E. Chadock, J. Rosing, J. G. Henry, G. S. Yates, jr., A. H. Goldberg, A. A. Bennett, A. R. Helmer, S. C. Tyler, P. R. Woods, W. H. Spillers, H. G. Truitt, James E. Kelso, Chris Kamp, J. C. Ward, S. S. Garber, A. S. Ball, J. C. West, W. L. Wansen, J. B. McGinnis, J. P. Martin, J. M. Warren, Henry Crosby, J. P. Crowder, T. R. Lawson, F. W. Layton, J. W. Webb, W. J. Olney, Carpenter Bros., and others, citizens of the second congressional district of the State of Oklahoma, protesting against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. OLMSTED: Petition of Samuel W. Larcomb Post, No. 351, Grand Army of the Republic, Steelton, Pa., for House bill 18899 (previously sent to the Committee on Invalid Pensions); to the Committee on Military Affairs.

By Mr. SULZER: Petition of the Sunday School Council of Evangelical Denominations, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Jewelers' Board of Trade, favoring House bill 32260; to the Committee on the Judiciary.

Also, petition of Overland Sales Co., of New York, favoring House bill 32570, the automobile registration bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of George O. Street & Sons, New York, for House bill 32260, by Mr. CARLIN, of Virginia; to the Committee on the Judiciary.

Also, petition of Franklin Union, No. 23, against increase of postal rates; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petition of Women's Club of Lawrenceville, N. J., against use in United States Navy of a silver service having upon it any representation of Brigham Young, of Utah; to the Committee on Naval Affairs.